

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION**

MELINDA FORREST

PLAINTIFF

v.

Case No. 11-3012

POWELL FEED AND MILLING CO., INC

DEFENDANT

**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

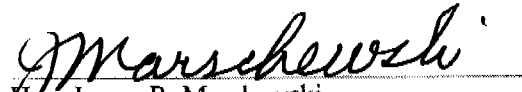
NOW on this 30 day of December 2011, is presented to the Court Plaintiff's Motion to Compel, and from and in consideration of the statements set forth therein, arguments presented by the parties' counsel, and all other information and matters before the Court, the Court hereby finds as follows:

1. Following service of written discovery by Plaintiff upon Defendant and Defendant's responses and objections thereto, Plaintiff contested certain of Defendant's objections, and the parties' respective counsel engaged in negotiations to resolve the discovery dispute.
2. On or about November 16 and 28, 2011, the parties' counsel, by emails of the same date, attached as Exhibits 1 and 2 to this Order, entered into an agreement resolving the discovery dispute (the "Discovery Agreement").
3. By the Discovery Agreement, Defendant was to produce all information and documents responsive to Plaintiffs Interrogatories and Requests for Production of Documents, to the extent that all of it had not already been produced and subject to certain limitations agreed to by the parties as reflected in the Discovery Agreement, by December 8, 2011 (the "outstanding discovery information and documents").
6. Defendant failed to produce the outstanding discovery information and documents by December 8, 2011.

7. After reviewing the pleadings on this issue and a hearing on the matter, the Court finds that good cause exists to compel Defendant to fully comply with the Discovery Agreement, on the following terms:

- a. The party Defendant will produce to its counsel the outstanding discovery information and documents no later than January 3, 2012 for counsel's review;
- b. Defendant's counsel will have two days to review the outstanding discovery information and documents received from Defendant, and, subject to reserving information and documents that may be non-responsive or privileged, Defendant's counsel will provide same to Plaintiff's counsel no later than 12:00 p.m. on January 6, 2012;
- c. If Defendant's counsel does not receive the outstanding discovery information and documents by January 3, 2012, Defendant's counsel is to notify the Court of same, and a hearing will be held on January 5, 2011, at 2:00 p.m. to allow the Court to address Defendant's failure to comply with this Order.

IT IS SO ORDERED

  
Hon. James R. Marchewski

US DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED

DEC 30 2011

CHRIS R. JOHNSON, Clerk  
By  
Deputy Clerk