

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ANTHONY FREEMAN

PLAINTIFF

v.

No. 5:21-CV-05175

TYSON FOODS, INC. and
TYSON POULTRY, INC.

DEFENDANTS

OPINION AND ORDER

Before the Court is Plaintiff Anthony Freeman's motion to compel certain interrogatories and document requests (Doc. 35) and brief in support (Doc. 36), as well as Defendants Tyson Foods, Inc.'s and Tyson Poultry, Inc.'s (collectively, "Tyson") response in opposition (Doc. 42). Earlier today the Court entered an order granting in part and denying in part Mr. Freeman's separate motion for conditional certification of an FLSA collective action and for certification of a Rule 23 class action. The Court has reviewed the briefing and exhibits concerning Mr. Freeman's motion to compel, and suspects that many of the issues raised therein might have been mooted by the order entered earlier today on Mr. Freeman's motion for certification. However, the Court cannot be certain of the extent to which this is the case, because all of the briefing on Mr. Freeman's motion to compel was filed before the Court ruled on his motion for certification. Therefore the Court believes the prudent course of action here is to deny Mr. Freeman's motion to compel without prejudice, and to direct the parties to meet and confer in good faith on the issues raised in Mr. Freeman's motion to compel in light of the Court's order on Mr. Freeman's motion for certification. If, after that meet and conferral, any issues raised in Mr. Freeman's motion to compel remain unresolved, then Mr. Freeman may seek Court intervention in a new motion to compel.

IT IS THEREFORE ORDERED that Plaintiff Anthony Freeman's motion to compel (Doc. 35) is DENIED without prejudice. The parties are directed to meet and confer in good faith

regarding the issues raised therein, in light of the Court's order earlier today granting in part and denying in part Mr. Freeman's motion for certification.

IT IS SO ORDERED this 18th day of August, 2022.

P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE