

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARTY ROBERTS

CIVIL ACTION

VERSUS

NUMBER 09-361-JJB-SCR

FLORIDA GAS TRANSMISSION
COMPANY, LLC, ET AL

RULING ON DISCOVERY DISPUTE

Counsel contacted the court by telephone on April 22, 2010 during a deposition for assistance in resolving a discover dispute.¹

During the deposition of plaintiff Marty Roberts counsel for the defendant sought production of the test results of soil samples taken by the plaintiff. Counsel for the plaintiff confirmed that soil samples were taken and are being tested by the plaintiff's expert, but the expert has not yet issued his report.² Plaintiff had not refused to answer any question about the soil samples taken or being tested, nor had he asserted any claim of privilege or protection in response to any question.

¹ Participating the call were attorneys Dale E. Williams, Jennifer L. Pomerantz and Joseph A. Piesco. Also participating in the deposition by telephone was defendant's in-house counsel Dawn McGuire.


² Counsel for the defendant noted that the deadline for the plaintiff to produce his expert reports has expired yet. Record document number 10, item E.

The issue of production of the soil sample testing document is included in the defendant's pending Motion to Compel.³ Plaintiff has not filed his response to the motion and the time for him to do so has not expired.

The court concluded that ordering the plaintiff to produce soil sample testing documents before ruling on the defendant's Motion to Compel would be inappropriate.

Accordingly, the court denied the defendant's request for an order requiring the plaintiff to produce the soil sample testing documents at his deposition.

Baton Rouge, Louisiana, April 23, 2010.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

³ Record document number 28-1, Memorandum of Law in Support of Motion to Compel, p.11