

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CIVIL ACTION

VERSUS

NUMBER 11-803-JJB-SCR

9.345 ACRES OF LAND, MORE OR  
LESS, SITUATED IN IBERVILLE  
PARISH, STATE OF LOUISIANA,  
ET AL

**RULING ON MOTION TO COMPEL DEPOSITION**

Before the court is the Motion to Compel Deposition of Michael J. Krainak and to Discover Records and Communications of the United States With Regard to Kenneth L. Beckham, International Gas Consultants, and Geostock U.S., L.L.C., filed by defendants A. Wilbert's Sons, L.L.C., members of the Wilbert Mineral Group, and the Adams Royalty Group. Record document number 157. The motion is opposed.<sup>1</sup>

Defendants sought depose Michael J. Krainak, then one of the counsel for the plaintiff, "solely with respect to Plaintiff's Motion for Modification of Amended Scheduling Order and Status Conference."<sup>2</sup> Specifically, the defendants sought to depose Kraniak regarding communications he had with the plaintiff's retained expert Kenneth Beckman, International Gas Consulting and Geostock U.S., L.L.C. Those communication, defendants argued, bear

---

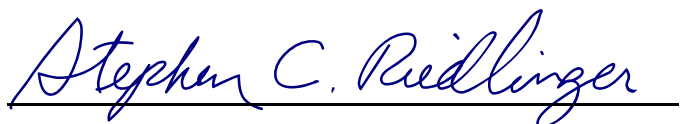
<sup>1</sup> Record document number 171. Defendants filed a reply memorandum. Record document number 209.

<sup>2</sup> Record document number 157, p. 1.

directly on what the plaintiff knew about Beckman's conflict of interest and when it knew about the conflict. Plaintiff's motion to modify the scheduling order relied on those communications. That motion was subsequently denied.<sup>3</sup> After the ruling on the motion, Krainak withdrew as counsel for the plaintiff.<sup>4</sup> Shortly thereafter, the plaintiff filed an objection to the denial of its motion to modify the scheduling order.<sup>5</sup> After considering the parties' memoranda, the district judge affirmed the denial.<sup>6</sup> Because the purpose of taking Krainak's deposition was to discover information that would be relevant to the plaintiff's motion to modify the scheduling order, and since that motion was denied and the denial was affirmed by the district judge, there is no longer a purpose to depose Krainak.

Accordingly, the defendants' Motion to Compel Deposition of Michael J. Krainak and to Discover Records and Communications of the United States With Regard to Kenneth L. Beckham, International Gas Consultants, and Geostock U.S., L.L.C. is denied as moot.

Baton Rouge, Louisiana, September 18, 2015.



STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE

---

<sup>3</sup> Record document number 273.

<sup>4</sup> Record document number 285.

<sup>5</sup> Record document number 288.

<sup>6</sup> Record document number 301.