

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**TRUMAN ARNOLD COMPANIES,** **PLAINTIFF**

**V.** **NO: 2:09CV31**

**SOUTHAVEN CONOCO, LLC, ET AL.** **DEFENDANTS**

**CONSOLIDATED WITH**

**SALAH ELHURAIBI, ET AL.** **PLAINTIFFS**

**V.** **NO. 2:09CV137**

**SOUTHAVEN CONOCO, LLC, ET AL.** **DEFENDANTS**

**ORDER**

Before the court is essentially the plaintiffs' (in No. 2:09cv137) motion to compel ConocoPhillips Company ("Conoco") to present Cindy Vickers or some other qualified representative for a deposition and to produce documents.<sup>1</sup> By Order dated November 12, the court required that the plaintiffs serve Conoco with a copy of their arguments made in support of the motion and required Conoco to file a response by November 22. Conoco filed its response (# 93 in 2:09cv31) on November 22, and the plaintiffs filed a reply (# 95) on November 29. The court has given thorough consideration to the parties' submissions and is of the opinion that the plaintiffs' request should be denied.

In their reply brief, the plaintiffs clearly point out that they seek information from Conoco related to their "primary concern" which is "Truman Arnold Companies' routine delivery of misbranded and unbranded fuel in fraudulent breach of the underlying supply agreement." In an

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<sup>1</sup>The plaintiffs made this request in their responses (# 87 & # 88 in 2:09cv31) to Ms. Vickers' and Truman's motions to quash a deposition subpoena duces tecum.

Order (# 90 in 2:09cv31) dated November 15, the court denied the plaintiffs' motion to amend their complaint to add claims related to this issue. Accordingly, the information the plaintiffs seek is not relevant to this lawsuit, and Conoco, Inc. should not be compelled to disclose it.

**THEREFORE, IT IS ORDERED** that the plaintiffs' motion to compel is hereby DENIED.

This 1<sup>st</sup> day of December, 2010.

**/s/ David A. Sanders**  
**U. S. MAGISTRATE JUDGE**