

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

MELTON PROPERTIES, LLC; FLOYD
M. MELTON, JR.; FLOYD M. MELTON
III; MOSS B. MELTON; MCMILLAN ACRES;
DANNY HARGETT; JANE HART MCMILLAN
HARGETT; DAVID HARGETT

PLAINTIFFS

V.

CIVIL ACTION NO. 4:18-CV-00079-DMB-JMV

ILLINOIS CENTRAL RAILROAD COMPANY;
CANADIAN NATIONAL RAILWAY; UNION
TANK CAR COMPANY, INC.; JOHN DOES 1-5

DEFENDANTS

ORDER

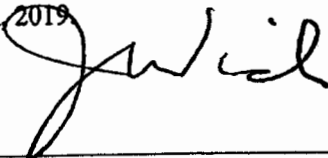
THIS DAY this cause came before the Court on the Plaintiffs' Motion to Compel Defendants to Produce Documents and Supplement Discovery Requests (Doc. #58). The Court being advised that Plaintiffs have withdrawn their requests for supplementation of Canadian National's ("CNRC") responses to Interrogatories Nos. 5, 6 and 8, and requests for production Nos. 2 and 12; and their request for supplementation of Illinois Central's request for production No. 2; it is hereby ordered that as to those discovery items the motion is DENIED as moot.

As to the remaining items, the Court has held three telephonic status conferences regarding the parties' efforts to resolve the discovery dispute. The parties have further held an in-person meeting and exchanged correspondence to the same end. Based on the briefs of the parties, discussions during the status conferences, the Court's review of correspondence between the parties submitted to the Court, and Defendants' representations: (i) that CNRC did not recommend, direct, or suggest any course of action or omission as to the emergency response or remediation, and that CNRC has no documents or things evidencing any such recommendation,

direction or suggestion, (ii) that all track safety in Mississippi was under the direction and control of Illinois Central Railroad Company, and (iii) that CNRC had no knowledge of any unsafe condition of the track in Mississippi, Plaintiffs' motion to compel as to all remaining items in dispute is hereby DENIED.

Pursuant to the Court's order of October 19, 2018 [51], CNRC may refile its motion to dismiss within twenty-one (21) days of the date of this Order. The Court, by separate Order, will set a briefing schedule for Plaintiffs' Response in Opposition and CNRC's Rebuttal Response.

SO ORDERED, this the 11th day of March, 2019




U.S. MAGISTRATE JUDGE


APPROVED AS TO FORM:



ATTORNEY FOR PLAINTIFFS



ATTORNEY FOR DEFENDANT
CANADIAN NATIONAL RAILWAY COMPANY



ATTORNEY FOR DEFENDANT
ILLINOIS CENTRAL RAILROAD COMPANY