

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Lenny M. Chapman and )  
Tracy M. Chapman, )

Plaintiffs, )

vs. )

Hiland Operating, LLC, a Foreign )  
Company, Hiland Partners GP Holdings, )  
LLC, a Foreign Company, and Hiland )  
Partners LP, a Foreign Partnership, )

Defendants and )  
Third-Party Plaintiff )  
(Hiland Operating, LLC) )

vs. )

Missouri Basin Well Service, Inc., and )  
B&B Heavy Haul, LLC, )

Third-Party Defendants. )

**ORDER ESTABLISHING  
DISCOVERY DISPUTE  
PROCEDURE**

Case No. 1:13-cv-052

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On January 23, 2014, the court held a telephonic status conference in the above-captioned case. Attorneys Robert P. Schuster and James R. Hoy appeared on plaintiffs’ behalf. Attorneys Margaret M. Clarke and Patrick W. Durick appeared on defendants’ behalf. Attorneys Gordon H. Hansmeier and Christopher A. Wills appeared on behalf of third-party defendant B&B Heavy Haul, LLC. Attorney Joel A. Flom appeared on behalf of third-party defendant Missouri Basin Well Service, Inc.

During the status conference, the court modified the procedure to be followed if future discovery disputes arise because of the number of discovery disputes that have arisen and the

inability of the parties to agree on discovery matters. The parties are no longer to required to comply with the D.N.D. Civ. L.R. 37.1(B) requirement that a telephonic conference be conducted by the magistrate judge before a discovery motion is filed. Rather, the parties shall proceed as follows:

1. The party requesting resolution of a dispute shall file an appropriate motion.
2. Any party wishing to file a response shall do so within five (5) business day of the filing of the motion.
3. No replies shall be filed.
4. The court will hold a hearing to address the motion.

The parties shall follow the procedure outlined above unless immediate court intervention is required, for example, if a dispute arises during an inspection or a deposition. In such a case, the parties may contact chambers by telephone when the dispute arises.

**IT IS SO ORDERED.**

Dated this 24th day of January, 2014.

*/s/ Charles S. Miller, Jr.* \_\_\_\_\_  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court