

**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 FINDING AS MOOT  
MOTION TO AMEND TO  
SEEK PUNITIVE DAMAGES  
AND MOTIONS TO COMPEL**

Case No. 1:13-cv-052

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On August 20, 2014, the court held a telephonic status conference in the above-captioned case. Attorneys Robert P. Schuster, Bradley L. Booke, David S. Maring, and James R. Hoy appeared on plaintiffs' behalf. Attorneys Steven E. Oertle and Patrick W. Durick appeared on defendants' behalf. Attorney Joel A. Flom appeared on behalf of third-party defendant Missouri Basin Well Service, Inc. Attorneys Gordon H. Hansmeier and Christopher A. Wills appeared on behalf of third-party defendant B&B Heavy Haul, LLC.

All parties agreed that, as a result of the recent settlement between plaintiffs and the Hiland defendants, plaintiffs' motion for leave to amend to seek punitive damages and the pending discovery motions are moot. Accordingly, the court **DEEMS AS MOOT** "Plaintiffs' Motion for

Leave to Amend Complaint to Seek Punitive Damages” (Docket No. 169), “Plaintiffs’ Motion to Compel: Social Media Issues” (Docket No. 181), and “Defendant Hiland Companies Motion to Compel Production of Facebook Materials” (Docket No. 205).<sup>1</sup> Further, the court will not rule on whether plaintiffs can obtain the documents submitted by defendants for *in camera* inspection as required by the court’s Order Granting Motion to Compel (Docket No. 140).

**IT IS SO ORDERED.**

Dated this 20th day of August, 2014.

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

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<sup>1</sup> If for some reason the contemplated settlement of the claims between the plaintiffs and the Hiland defendants is not consummated, the motions may be refiled.