

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

Gene Kellogg and Eda Kellogg, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Daniel J. Smith, and individual, DDA )  
 Inc., an Indiana corporation, Brenda )  
 McGinley, an individual, International )  
 Investigators Inc., an Indiana corporation, )  
 C. Tim Wilcox, an individual, and Recon )  
 Avionics, Corporation, an Indiana )  
 Corporation, )  
 )  
 Defendants. )

**ORDER RE MOTION TO COMPEL  
DISCOVERY**

Case No. 1:16-cv-016

Before the court is a motion to compel discovery filed by plaintiffs. The court was advised yesterday that plaintiffs have settled with the parties from whom the disputed discovery is sought. For that reason, the motion (Doc. No. 34) will be **DENIED** on the grounds that it is now moot.

**IT IS SO ORDERED.**

Dated this 1st day of March, 2017.

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