

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JC HILL, et al.,

Plaintiffs,

v.

KAISER-FRANCIS OIL COMPANY,

Defendant.

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Case No. CIV-09-07-R

ORDER

This matter comes before the Court on the Motion to Compel, filed by Defendant, Kaiser-Francis Oil Company. Plaintiff responded in opposition to the motion. Having considered the parties' submissions, the Court finds as follows.

Defendant filed this motion seeking to compel the Plaintiff class to provide information regarding Jerry McCray prior to his deposition, which had been scheduled for June 11, 2012. The Plaintiff class indicates that Mr. McCray has been withdrawn as a witness and therefore no additional discovery information regarding Mr. McCray is necessary and the motion to compel is moot. In its reply Defendant presents the following e-mail exchange with Plaintiff's counsel:

Brad Miller to Paul DeMuro:

Based on our decision a few minutes ago, we will advise the court on Tuesday that we are striking Mr. McCray from the witness list for health reasons, that you will not require his deposition or need the materials at issue from him and that you asked that we agree to produce the same requested information for any royalty witness we might add to the witness list.

Does that cover it?

Paul DeMuro to Brad Miller:

Yes, with one clarification. We want the court to order that Plaintiffs shall produce the requested discovery for any new royalty owner witnesses within 10 days after designating any new witnesses (which must be done by the current scheduling order) and thereafter promptly make the new witness available for deposition.


Thanks.

Brad Miller to Paul DeMuro:

Agreed.

In light of the parties' agreement, commemorated above, the motion to compel is hereby DENIED AS MOOT. The Court does not anticipate the need for further Court intervention on the issue of discovery related to class members who will testify, and expects the parties to fully cooperate and fulfill the obligations to which they agreed.

IT IS SO ORDERED this 1st day of June, 2012.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE