SUSAN KATHERINE SHAVIN, : NUMBER: 524,540

ROBIN PHILLIP SHAVIN,

WALTER EDWARD LIEBER,

CAROLYN L. CASS, RENEE LIEBER,

LEAH EVE L. HARRELL, EMILY

L. GILMAN AND GARY L. FOX

VERSUS : FIRST JUDICIAL DISTRICT COURT

GERALD H. HUDDLESTON, GLEN

CUMMER, ROBSON FARMS, L.L.C.,

CAMTERRA RESOURCES PARTNERS,

LTD., HUDDLESTON ENERGY

RESERVES, LLC, SNJ ENERGY, LLC,

ISRAEL INVESTMENTS, LLC AND

CSC ENERGY CORP. : CADDO PARISH, LOUISIANA

**JUDGMENT AND REASONS ON PLAINTIFFS’ THIRD**

**MOTION TO COMPEL DISCOVERY**

Having thoroughly considered the Plaintiffs’, Eve L. Harrell, Emily L. Gilman and Renee Lieber, Third Motion to Compel Discovery (filed July 12, 2011) by their attorney Lee H. Ayres and its exhibits, the oppositions by defendants, Gerald H. Huddleston, Robson Farms, L.C.C., Camterra Resources Partners, Ltd., Camterra Resources, Inc., Huddleston Energy Reserves, LLC, Huddleston Oil & Gas, LLC, SNJ Energy, LLC, Israel Investments, LLC and CSC Energy Corp., the oral arguments of October 17, 2011, the post hearing memoranda filed by both sides, applicable law, and for reasons which follow, the Court concludes that the motion should be granted in part. Accordingly:

**IT IS ORDERED that the Plaintiffs’ Third Motion to Compel Discovery is granted in part and denied in part.**

Although there are excellent lawyers in this case, the Court is troubled by the discovery history which has resulted in the plaintiffs filing this third compel motion. The record corroborates Mr. Ayres assertions of belated and reluctant document production notwithstanding deposition testimony that there exists more unproduced documents coupled with a willingness by some to provide them. See corporate depositions of Joel Chevallier, Jack Shuey and Phillip Israel. Indeed, the deposition testimony of Jason Dereberry further validates Mr. Ayres’ position notwithstanding the liberal and broad spirit of the discovery rules (“any matter, not privileged which is relevant to the subject matter; information reasonably calculated to lead to the discovery of admissible evidence” See C.C.P. art. 1422). Based on the case history and our discovery law, the Court finds the following items discoverable in this case: (1) post-closing documents; (2) revenue received by defendants in connection with Lieber tract; (3) the SNJ Energy File, including appraisal reports and title examinations; (4) response to the plaintiffs sixth set of requests for production; and (5) geological maps.

In all situations where defense counsel has declined to produce a document on the basis of attorney client privilege, defense counsel shall reexamine the issue with the directive that items that constitute business advice memoranda from in house counsel and related documents be produced. In the event of further dispute, the Court will conduct an in camera review. Thus, with respect to the documents in this category, the plaintiffs’ third motion to compel is granted in part and denied in part and the obligation is placed on defense counsel for reexamination and, the Court suspects in many instances, production.

Plaintiff counsel’s request for “an award of costs and reasonable attorneys’ fees related to this motion shall be denied at this time as the Court believes that defense counsel is engaged in aggressive and zealous advocacy but not bad faith.

Upon request the Court stands ready to issue a confidentiality or protective order on any of the items ordered to be provided to plaintiff counsel.

Signed this 2nd day of November, 2011 in Shreveport, Caddo Parish, Louisiana[[1]](#footnote-1).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SCOTT J. CRICHTON

DISTRICT JUDGE

DISTRIBUTION:

Lee H. Ayres, Counsel for Leah Eve L. Harrell, Emily L. Gilman an Renea Lieber

Eron J. Brainard, Counsel for Susan Katherine Shavin, Robin Phillip Shavin, Walter Edward Lieber, Carolyn L. Cass and Gary L. Fox

Steven E. Soileau, Counsel for Susan Katherine Shavin, Robin Phillip Shavin, Walter Edward Lieber, Carolyn L. Cass and Gary L. Fox

Glenn L. Langley, Counsel for Gerald H. Huddleston, Robson Farms, L.L.C., Camterra Resources Partners, LTD, Camterra Resources, Inc., Huddleston Oil and Gas, LLC, Huddleston Energy Reserves, LLC, SNJ Energy, LLC, Israel Investments, LLC and CSC Energy Corp.

1. It is recognized that defense counsel may wish to seek supervisory review and it is further noted that more time may be necessary for document production and preparation for the November 7, 2011 summary judgment hearings. [↑](#footnote-ref-1)