

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

PIPELINE PRODUCTIONS, INC.,)
BACKWOOD ENTERPRISES, LLC,)
OK PRODUCTIONS, INC., and)
BRETT MOSIMAN,)

Plaintiffs,)

v.)

Case No. 15-4890-KHV

THE MADISON COMPANIES, LLC,)
and HORSEPOWER ENTERTAINMENT,)
LLC,)

Defendants.)

ORDER

This matter comes before the court upon plaintiffs’ Motion for Protective Order (ECF No. 68). For the following reasons, this motion is deemed moot.

The case arises from a failed music concert in Arkansas. Plaintiffs filed this action on May 21, 2015. Plaintiffs allege that defendants agreed to purchase 51% of their “Thunder on the Mountain” music festival in exchange for \$750,000, advancing \$500,000 of operating capital for the festival, and paying certain operating expenses related to the festival. Plaintiffs further allege that the concert had to be cancelled when defendants reneged on the agreement. Plaintiffs have asserted claims of breach of contract, breach of fiduciary duty, fraud and tortious interference. They seek damages resulting from defendants’ breach, including money owed to ticketholders.

In 2016, a class action was filed in the United States District Court for the Eastern District of Arkansas against three of the plaintiffs in this case—Pipeline Productions, Inc.; Backwood Enterprises, Inc.; and Brett Mosiman—and defendants The Madison Companies, LLC; and Horsepower Entertainment, LLC. In this case, the ticketholders from the Thunder on the Mountain

music festival alleged that the defendants breached contracts and were unjustly enriched. Default judgment was entered against Pipeline, Backwood and Mosiman. Madison and Horsepower issued subpoenas duces tecum to Pipeline's former attorney, Matt Gough; Pipeline's accountant, Colleen Hodge; Central Bank of Midwest; and Intrust Bank.

In the instant motion, plaintiffs seek a protective order to stop Madison and Horsepower from serving the subpoenas in the Arkansas action. Plaintiffs contend that this court should not allow Madison and Horsepower to obtain discovery for this case through the service of subpoenas in the Arkansas action that are "irrelevant, abusive and overbroad," particularly since plaintiffs cannot defend themselves in that case.

On February 26, 2018, in the Arkansas action, plaintiffs and defendants Madison and Horsepower filed an agreed order of dismissal. The joint stipulation dismissed plaintiffs' claims against Madison and Horsepower with prejudice. Due to the dismissal of Madison and Horsepower in the Arkansas action, the court finds the instant motion moot.

Accordingly,

IT IS THEREFORE ORDERED that plaintiffs' Motion for Protective Order (ECF No. 68) is deemed moot.

IT IS SO ORDERED.

Dated this 27th day of February, 2018, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge