

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, WESTERN DIVISION

Utility Construction Services, LLC v. Richard Ethridge, II, Cecily
Larue Ethridge, and Tempest Energy, LLC

Utility Construction Services v. Ethridge · No. 5:24-cv-00078-DCB-LGI · Decided March 4, 2026

SUMMARY

This order resolves discovery disputes in Utility Construction Services, LLC v. Ethridge, including requests for Slack communications, financial ledger entries, communications concerning minority contractors and PGS, and production of an expert damages report. The court granted in part and denied in part the motion to compel concerning Request for Production No. 23, requiring UCS to identify responsive previously produced documents and supplement its response or provide an affidavit and privilege log. The court denied the motion to compel production of the entire unredacted expert report, upholding redactions protecting UCS’s historical profit-margin information under the agreed protective order.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Western Division
WRITING FOR THE COURT	LaKeysha Greer Isaac
JURISDICTION	United States District Court for the Southern District of Mississippi, Western Division
DECIDED	March 4, 2026
DOCKET	5:24-cv-00078-DCB-LGI
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Richard Ethridge, II moved to compel further production regarding communications concerning minority contractors and PGS and sought production of Utility Construction Services, LLC's entire unredacted expert damages report. The court resolved the discovery disputes following a telephonic discovery conference and written letter briefs.
STANDARD OF REVIEW	Discovery rulings and motions to compel are reviewed under the district court's broad discretion, applying the relevance, privilege, and

	proportionality requirements of Federal Rule of Civil Procedure 26(b)(1).
PRECEDENTIAL VALUE	Unknown; interlocutory discovery order from a federal district court.
PARTIES	Richard Ethridge, II, Cecily Larue Ethridge, Tempest Energy, LLC v. Utility Construction Services, LLC

TOPICS

discovery dispute civil procedure commercial litigation commercial construction law

PRACTICE AREAS

civil procedure commercial litigation construction law

QUESTIONS PRESENTED

1. Whether Request for Production No. 23 was relevant but overly broad or disproportionate insofar as it sought communications concerning unnamed or unrelated minority contractors.
2. Whether UCS was required to identify and produce communications concerning PGS and Ampirical, or otherwise attest that its prior production satisfied its discovery obligations.
3. Whether Ethridge was entitled to compel production of the entire unredacted expert damages report, including UCS's historical profit margins and underlying financial calculations, despite the agreed attorney-eyes-only protective order.

HOLDINGS

1. Request for Production No. 23 was relevant, but its demand for communications concerning unnamed or unrelated minority contractors was overly broad and outside the scope of the litigation. The portion seeking communications concerning PGS was sufficiently specific and narrowly tailored.
2. UCS must review its prior production, identify by Bates range documents responsive to the narrowed Request No. 23, and either supplement its response and production or serve an affidavit stating that it has satisfied its discovery obligations and that no additional responsive documents exist. Any withheld responsive documents must be identified in a privilege log.
3. Ethridge was not entitled to production of UCS's entire unredacted expert damages report. The redacted report sufficiently disclosed the expert's opinions, damages, methodology, assumed margins, and damages calculations, while the actual historical profit margins and underlying calculations were properly protected under the agreed attorney-eyes-only designation.

KEY QUOTATIONS

“At some point, however, discovery yields diminishing returns, needlessly increases expenses, and delays the resolution of the parties’ dispute.” (III)

“To the extent that the request seeks information pertaining to unnamed and/or unrelated minority contractors, the Court finds that the request is overly broad and outside the scope of litigation.” (IV.a)

“The Court finds that disclosure of the information sought directly contravenes the goal of the “Attorney-eyes Only” designation, as it finds that the information is sensitive and likely to substantially compromise the competitive position of UCS’s business if disclosed.” (IV.b)

FACTUAL BACKGROUND

The dispute arose from allegations concerning the Ampirical/Pinetree Project, including whether revenue and scope of work were improperly directed between Utility Construction Services, LLC and PGS. Ethridge sought communications concerning minority contractors, PGS, and possible redirection of PGS funds. He also sought the entire expert damages report, including UCS's historical profit margins and underlying financial information, but UCS had produced a version redacted under an agreed attorney-eyes-only protective order.

PROCEDURAL HISTORY

Utility Construction Services, LLC filed a diversity contract action against Richard Ethridge, II, Cecily Larue Ethridge, and Tempest Energy, LLC; the Ethridges asserted counterclaims. During discovery, Ethridge sought additional communications and access to the unredacted expert report. After hearing the parties on September 4, 2025, the court granted in part and denied in part the motion to compel, requiring a narrowed response to Request for Production No. 23 while denying access to protected profit-margin information in the expert report.

DISPOSITION

other

CASES CITED

- Hernandez v. Causey, 2020 WL 5412486, at *3 (S.D. Miss. Sept. 9, 2020)
- Freeman v. United States, 566 F.3d 326, 341 (5th Cir. 2009)
- Saucier v. Lakeview Corp., 2014 WL 12906612, at *1 (S.D. Miss. Dec. 30, 2014)
- Herbert v. Lando, 441 U.S. 153, 177, 99 S. Ct. 1635, 60 L. Ed. 2d 115 (1979)
- Willis v. City of Hattiesburg, No. 2:14-cv-89-KS-MTP, 2016 U.S. Dist. LEXIS 30985, 2016 WL 918038, at *2 (S.D. Miss. Mar. 10, 2016)
- Barnes v. Tumlinson, 597 Fed. App'x 798, 799 (5th Cir. 2015)
- Marshall v. Westinghouse Elec. Corp., 576 F.2d 588, 592 (5th Cir. 1978)