

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)**

**CONOCOPhillips COMPANY  
925 North Eldridge Parkway  
Houston, Texas 77079**

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**Plaintiff,**

\*

**v.**

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**Case No.:** \_\_\_\_\_

**TROY HOLLAND  
1501 King William Drive  
Catonsville, Maryland 21228**

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**AND**

\*

**HIC ENERGY PARTNERS, LLC  
5937 Belair Road, Suite 101  
Baltimore, Maryland 21208**

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\*

**Defendants.**

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**MEMORANDUM IN SUPPORT OF MOTION FOR  
EXPEDITED LIMITED DISCOVERY**

ConocoPhillips Company (“ConocoPhillips”), Plaintiff, by undersigned counsel, hereby submits the following Memorandum in support of its Motion for Expedited Limited Discovery.

As stated in ConocoPhillips’ Verified Complaint and papers supporting its Motion for a Temporary Restraining Order, on July 1, 2019, ConocoPhillips transferred \$1,367,843.49 (“the Payment”) to E\*Trade Account No. XXXX-2718 upon a false invoice submitted to it by Troy Holland (“Holland”) and HIC Energy Partners, LLC (“HIC”). ConocoPhillips has no information as to where the Payment or its proceeds currently are. Further, Holland and HIC are liable to ConocoPhillips for the amount of the Payment. ConocoPhillips has an immediate need to ascertain the whereabouts of the Payment or the proceeds thereof so that it can freeze or recover them.

Rule 26(d) of the Federal Rules of Civil procedure does not set out standards for evaluating expedited discovery requests. The courts have applied two standards: (1) a modified preliminary injunction standard; or (2) a reasonableness or good cause standard. This Court adopted the reasonableness or good cause standard in *L'Occitane, Inc. v. Trans Source Logistics, Inc.*, 2009 U.S. Dist. LEXIS 101819 (D. Md. 2009).

This Court denied expedited discovery in *L'Occitane* on the grounds that the plaintiff had not demonstrated how the discovery they sought would establish the likelihood of irreparable harm alleged by the plaintiff. Further, the plaintiff had not explained how obtaining greater detail into how the defendant had used the plaintiff's funds would more likely demonstrate irreparable harm than the information that the plaintiff already had. Finally, the plaintiff had not set forth the subjects upon which it wanted to depose an officer of the defendant and thus its request was not narrowly tailored. ConocoPhillips' requests in the present case are focused upon the irreparable harm that it would suffer if the defendants were to dissipate the Payment given what ConocoPhillips believes are their limited assets. ConocoPhillips' requests, unlike those in *L'Occitane*, are specific and limited. *Cf. L'Oreal USA Creative, Inc. v. Tsui*, 2016 U.S. Dist. LEXIS 191653 (C.D. Cal. 2016) (allowed expedited limited discovery to names and locations involved in counterfeiting activities and the identification of the defendants financial accounts and the revenue generated from those accounts – the burden on the defendants was *de minimis*).

The present case is on all fours with *Ayyash v. Bank Al-Madina*, 233 F.R.D. 325 (S.D.N.Y. 2005), where the court applied the reasonableness test to allow expedited discovery in a case where the plaintiff alleged that the defendants has defrauded him and others in a complex scheme involving wire fraud, money laundering, forgery and embezzlement. The court reasoned:

Plaintiff has made a strong evidentiary showing of the substantiality of his claims. In light of that showing, and in consideration of the fact that defendants are foreign individuals and corporations who have both incentive and capacity to hide their assets, there is considerable urgency to plaintiff's need to seek information about the location of defendants' possible assets within the United States.

*Ayyash*, 233 F.R.D. at 327. There is no dispute that ConocoPhillips is entitled to the Payment or its proceeds. The defendants' evasion of all attempts by ConocoPhillips to contact them raises the inference that the defendants are dissipating or hiding their assets. ConocoPhillips has an immediate need for information about the Payment, its whereabouts and the defendants' assets in order to recover and protect the Payment.

For the reasons stated above, ConocoPhillips respectfully requests that its motion be granted.

Respectfully submitted,

November 12, 2019

/s/ H. Mark Stichel  
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