

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 10-3-KSF

KIM LOGAN, as Legal Guardian for  
JAMES O. GUMM, JR.

PLAINTIFF

and

KENTUCKY CABINET FOR  
HEALTH & HUMAN SERVICES,  
THE UNIVERSITY OF KENTUCKY  
AND KENTUCKY MEDICAL SERVICES  
FOUNDATION

INTERVENING PLAINTIFFS

v.

**OPINION & ORDER**

COOPER TIRE & RUBBER COMPANY

DEFENDANT

\* \* \* \* \*

This matter is before the Court *sua sponte*. In light of the impending trial date of August 23, 2011, the Court has reviewed the record in this matter, particularly the numerous motions in limine filed by both parties. At the pretrial conference held before Magistrate Judge Robert Wier on August 2, 2011, the parties advised Magistrate Judge Wier that they were unable to come to any agreement as to any of the pending motions, including motions on matters that should not require the Court’s intervention, such as Cooper Tire’s motion to adhere to courtroom decorum, civility, and dignity among counsel and witnesses [DE #207] and the plaintiff’s motion to preclude references to the term “blow out” [DE #208]. In order to resolve these and other nagging issues which should have been resolved by cooperation and without the Court’s intervention, the Court will conduct an additional

pretrial conference on August 12, 2011.

Additionally, in order to resolve other issues that may arise prior to the August 23, 2011 trial date, and in light of the parties' apparent inability to reach any agreement without the Court's intervention, the Court will require the parties and their counsel to be available, in person, in Lexington, Kentucky beginning on August 19, 2011 and continuing through the conclusion of trial in order to resolve any additional emergency issues which may arise, so that the parties and the Court will be prepared to begin trial without delay on August 23, 2011.

Accordingly, the Court, being fully and sufficiently advised, hereby **ORDERS** as follows:

- (1) this matter is **SET FOR A PRETRIAL HEARING** on all pending matters on **FRIDAY, AUGUST 12, 2011 at 9:00 a.m.**; and
- (2) the parties and their counsel are **DIRECTED** to be **AVAILABLE IN PERSON IN LEXINGTON, KENTUCKY**, beginning **FRIDAY, AUGUST 19, 2011** and continuing through the conclusion of this matter.

This August 2, 2011.



**Signed By:**

***Karl S. Forester*** *K S F*

**United States Senior Judge**