

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GERTRUDE KETRE,
Plaintiff,
v.
AUBURN AQUATICS SWIM
PROGRAM., et al.,
Defendants.
CASE NO. 3:07-cv-536-MEF
(WO- DO NOT PUBLISH)

ORDER

This cause is before the Court on the Renewed Motion to Strike Plaintiff's Pretrial Order Contentions (Doc. # 92) filed in this case by Defendant Auburn Aquatics Swim Program. This Court has carefully considered the arguments advanced in support of and in opposition to the motion made both in writing and orally at the pretrial. It is hereby ORDERED that the motion is DENIED in part and CONDITIONALLY GRANTED in part. The motion is DENIED with respect to contentions that Auburn Aquatics failed to warn about any condition related to the mat or that Auburn Aquatics failed to inspect the facility. The motion is GRANTED with respect to contentions that Auburn Aquatics failed to conduct a pre-meet safety inspection and that Auburn Aquatics failed to have safety officials at the meet. The parties are ORDERED to revise their contentions in the proposed pretrial order accordingly.

DONE this the 26th day of March, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE