

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

CHARLES NEWSOME,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:10CV548-WHA
)	
KWANGSUNG AMERICA, CORP.,)	(wo)
)	
)	
Defendant.)	

ORDER

This cause is before the court on the Motion for Reconsideration of Court’s Order, Doc. #62, filed by the Defendant. (Doc. #65.)

This court previously granted the Plaintiff’s Motion in Limine to Exclude Any Witnesses, Argument, or Line of Questioning by Defendant that Other Employees Were Terminated for Similar Reasons (Doc. #42), because no opposition to that motion was filed within the deadline given by the court. *See* Doc. #62 (citing Doc. #15 at § 6).

Counsel for the Defendant explains that the failure to respond was inadvertent, and that he did not intend to indicate that there was no opposition to the motion. He further states that the evidence that John Kim, the replacement for Newsome, was terminated for conduct similar or the same as the conduct for which Newsome is alleged to have been terminated is relevant and probative of KwangSung’s intent in terminating Newsome.

The court agrees that the evidence regarding the circumstances of John Kim’s termination is relevant to all of the Plaintiff’s claims, probative to the issue of Defendant’s alleged motives for termination of the Plaintiff, and not due to be excluded under *Fed.R.Evid.* 403, and will excuse counsel’s inadvertence in this instance. Counsel is advised, however, to

take all necessary steps to avoid such inadvertence in the future. Accordingly, it is hereby

ORDERED that The Motion for Reconsideration (Doc. #65) is GRANTED, and the Motion in Limine Doc. #42 is DENIED to the extent that the Defendant may present evidence about the circumstances of John Kim's termination and may refer to John Kim's termination in opening statement.

Done this 12th day of September, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE