

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LARRY DALE CROUCH,** )  
**RHONDA MAE CROUCH,** )  
**TEDDY LEE HUDSON, and** )  
**CAROLYN SUE HUDSON,** )

**Plaintiffs,** )

**v.** )

**CIVIL ACTION NO. 10-00072-KD-N**

**TELEDYNE CONTINENTAL MOTORS,** )  
**INC.,** )

**Defendant.** )

**ORDER**

This action is before the court on the plaintiffs’ motion to reconsider in part<sup>1</sup> the order granting defendant’s motion to strike and exclude the expert testimony of Robert Pearce and James Hall (doc. 337, see also order at doc. 314, defendant’s motion at doc. 242). Upon consideration and for the reasons set forth herein, the motion (doc. 337) is DENIED.

Plaintiffs request that this court reconsider its order excluding James Pearce's testimony, arguing that the court was incorrect in its conclusion that Mr. Pearce had conducted an independent investigation. In support, the plaintiffs belatedly point to portions of Pearce's deposition which support their position. This information was not argued in either plaintiffs’ written response or at oral argument. To the extent that plaintiffs relied on the court to read non-designated portions of the submitted depositions to find support for plaintiffs’ position, such reliance was misplaced. Such an expectation is unreasonable in light of the literally thousands of pages that have been submitted to the court for pre-trial review. The court determined the issue based on the information

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<sup>1</sup> Plaintiffs did not move the court to reconsider the order as to James Hall.

contained in Mr. Pearce's report and cited deposition regarding his experience. In the report Mr. Pearce only states that he reviewed "relevant documents". Moreover, the court does not find that Mr. Pearce's absence prevented plaintiffs from making an adequate argument or presenting evidentiary support.

DONE and ORDERED this the 8th day of July, 2011.

**s / Kristi K DuBose**  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**