

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF ARKANSAS  
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE  
500 W. CAPITOL, ROOM D444  
LITTLE ROCK, ARKANSAS 72201-3325  
(501) 604-5140  
Facsimile (501) 604-5149

**May 11, 2009**

Mr. Robert L. Henry , III  
Barber, McCaskill, Jones & Hale, P.A.  
400 West Capitol Avenue, Suite 2700  
Little Rock, AR 72201-3414

Mr. Kirkman T. Dougherty  
Hardin, Jesson & Terry - Fort Smith  
Post Office Box 10127  
Fort Smith, AR 72903-0127

Re: *Burress v. Union Pacific Railroad, et al*, 1:01-CV-00072-WRW

Dear Counsel:

In view of the fact that the evidence Mr. Burress's possible fault has been ruled out, I am puzzled by your estimate that it would take six days to try this case.

Of course, I do not know the details of the case as you do, but my curiosity is intensely aroused.

By 5 p.m., on Monday, May 18, 2009, please list the name of each of the witnesses you plan on calling in direct and the amount of time you think it will take to conduct direct examination for each witness.

By 5 p.m., Thursday, May 21, 2009, please list the amount of time you anticipate using in cross-examination of each of the other party's witnesses.

I may set presumptive time limits -- but I may not.

Cordially,

/s/ Wm. R. Wilson, Jr.

Original to the Clerk of the Court  
cc: Other Counsel of Record