

**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  
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**May 11, 2009**

Mr. Robert L. Henry , III  
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Mr. Kirkman T. Dougherty  
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Fort Smith, AR 72903-0127

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

Dear Counsel:

I suspect that there may be some argumentation re: the appropriate jury instructions. Accordingly, please submit your jury instructions by noon, Thursday, May 28, 2009, and we will have a telephone conference re: instructions, at 2 p.m., that afternoon.

If there are any other evidentiary issues that can be resolved prior to trial, please notify me forthwith (by the end of the day this Friday) and perhaps we can talk about those after we deal with jury instructions in the telephone conference.

Cordially,

/s/ Wm. R. Wilson, Jr.

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