

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**HARRY STEPHENS FARMS, INC.; and  
HARRY STEPHENS, individually and as  
managing partner of STEPHENS PARTNERSHIP**

**PLAINTIFF**

**V.**

**CASE NO. 2:06CV00166 JMM  
Consolidated with  
CASE NO. 4:07CV00278 JMM**

**WORMALD AMERICAS, INC.,  
Successor to ANSUL, INC.; and  
HELENA CHEMICAL CO., INC.  
EXXON MOBILE CORPORATION  
Successor to MOBIL CHEMICAL CO.**

**DEFENDANTS**

**ORDER**

Pending are Defendants' motions for partial summary judgment regarding punitive damages or, in the alternative, to bifurcate trial. (Docket # 274 and 282). The motions are granted in part and denied in part. Summary judgment on the issue of punitive damages is denied at this time. Pursuant to Fed. R. Civ. P. 42(b), the Court finds that the case should proceed as follows for convenience, to avoid prejudice and to expedite and economize:

**Phase 1:** The parties will present evidence relating to the issue of the statute of limitations and the jury will decide the fact question: "whether plaintiffs knew or reasonably should have known before June 9, 2003, that their property had suffered a remediable injury as a result of defendants' actions on neighboring property?" If the answer is "no:"

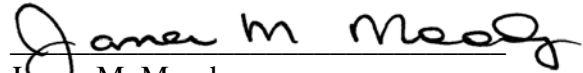
**Phase 2:** Trial on the issues of liability and compensatory damages.

**Phase 3:** If the Court finds that sufficient evidence exists, trial will proceed on the issue

of punitive damages.

Wherefore, Defendants' motions, docket #'s 274 and 282 are denied in part and granted in part.

IT IS SO ORDERED this 14<sup>th</sup> day of September, 2010.

A handwritten signature in black ink that reads "James M. Moody". The signature is written in a cursive style with a horizontal line underneath the name.

James M. Moody  
United States District Judge