

**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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**February 18, 2010**

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Re: Letter Order in *S & S Sales Inc v. Pancho's et al*, 2:08CV00220-WRW.

Dear Counsel:

Oops! I forgot to tell Mr. Wilcox to prepare a precedent for an Order based upon my rulings in the telephone conference this afternoon. Mr. Wilcox, please prepare a precedent for an Order and submit it to me and opposing counsel by noon, this coming Monday, February 22, 2010. Opposing counsel should forthwith file objections if the precedent does not suit you.

It appears that the Defendants do not intend to call anyone from Turner Dairy, so Plaintiff's Motion to Exclude (Doc. No. 38) any such witness is GRANTED.

Plaintiff's Motion to Strike Mr. Siano's Affidavit (Doc. No. 39) is DENIED, but I will consider the exhibits Plaintiff offered in response to Mr. Siano's affidavit for the purpose of the Motion for Summary Judgment.

Finally, I would like Defendants to respond to Plaintiff's Motion to Exclude Defense Counsel (Doc. No. 45) by next Friday, February 26, 2010.

Cordially,

/s/ Wm. R. Wilson, Jr.

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