

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

KIARA SMITH

PLAINTIFF

V.

NO. 3:07-CV-00049 GTE

ANSON BARNEY, et al.

DEFENDANTS

SECOND ORDER ON MOTIONS IN LIMINE

Before the Court are three unresolved motions in limine, one filed by Plaintiff revisiting the issue of whether evidence of his prior robbery conviction may be introduced and two motions filed by the Defendants, both relating to the issue of Defendants' (or their employers) participation in a risk management pool. The Court addressed these issues (and others) during a pre-trial telephone conference conducted today, August 17, 2009.¹

For the reasons stated during the telephone conference,

IT IS HEREBY ORDERED THAT Plaintiff's Second Motion in Limine (Doc. No. 115) be, and it is hereby, DENIED IN PART AND GRANTED IN PART. The motion is granted solely to the extent that Defendants are directed not to elicit any testimony or to present any documentary evidence containing or referring to underlying details of the robbery conviction.

IT IS FURTHER ORDERED THAT Defendants' Motions in Limine (Doc. Nos. 119 and 123), which seek to exclude any evidence of their participation in risk management pools be, and it is hereby, DISMISSED AS MOOT with one exception. Plaintiff's counsel may inquire of the jury panel during voir dire as to whether they are employed by, or have any connection with, the Arkansas Municipal League.

¹ The court reporter was Karen Baker.

IT IS FURTHER ORDERED THAT the Plaintiff's previous request, made in his First Motion in Limine (Doc. No. 103) to exclude evidence that the Plaintiff was seen "throwing something" is GRANTED. This ruling is made after revisiting the issue and being further advised as to the Defendants' proposed evidence on this subject.

IT IS SO ORDERED this 17th day of August, 2009.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE