

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

NUCOR CORPORATION

**PLAINTIFF/
COUNTERDEFENDANT**

V.

3:08CV00067 JMM

J. BAKER & ASSOCIATES, INC.

**DEFENDANT/
COUNTERCLAIMANT/
THIRD PARTY PLAINTIFF**

V.

NUCOR-YAMATO STEEL CO.

THIRD PARTY DEFENDANT

ORDER

Pending is the Motion in Limine filed by J.Baker & Associates, Inc. (“JBA”). The Nucor Parties have responded to the motion. The Motion is DENIED in part and GRANTED in part.

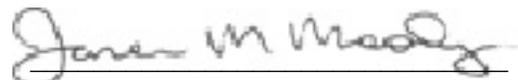
JBA asks the Court to exclude testimony by DJJ and/or the Nucor Parties as to what DJJ would have done if claims for overpayment had been submitted to DJJ. This portion of the motion is DENIED.

JBA asks the Court to exclude evidence of the amount of weight variances between Survey Weight and Scale Weight at the Nucor or Nucor-Yamato mills which were in the Nucor Parties’ favor, i.e. the offsets. This portion of the motion is DENIED.

JBA asks the Court to exclude evidence that JBA is not registered with the Arkansas Secretary of State. Arkansas Code Annotated § 4-27-1502 states that a foreign corporation transacting business in this state without a certificate of authority may not maintain a proceeding in the state until it obtains a certificate of authority. However, Section 4-27-1502 also states that the statute does not prohibit a foreign corporation from defending an action in this state. This portion of the motion is GRANTED.

Finally, JBA asks the Court to exclude evidence of a 2007 lawsuit filed by JBA against Mercedes-Benz U.S. International, Inc. in the Northern District of Alabama. The Court finds that this evidence should be excluded from the trial of this matter. This portion of the motion is GRANTED.

IT IS SO ORDERED this 1st day of December, 2009.

A handwritten signature in cursive script, appearing to read "James M. Moody", written in black ink on a white background.

James M. Moody
United States District Judge