

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

LISA A. DONNELLY, ET AL

PLAINTIFFS

VS.

CASE NO. 3:08CV00100 JMM

LEONARD LEAFTY, ET AL.

DEFENDANTS

ORDER

Pending before the Court is Plaintiffs' Motion to Strike Defendants' Notice of Nonparty Fault (#24).

Because the constitutionality of Arkansas Code Annotated § 16-55-202 is the central issue in the motion and because Chief Judge J. Leon Holmes has certified this question to the Arkansas Supreme Court in *Johnson v. Rockwell Automation, Inc., et al.* 1:06CV00017, the Court will hold the motion in abeyance until such time as the Arkansas Supreme Court has decided the issue.

In addition, the trial date of May 11, 2009, is continued and an Amended Scheduling Order will be issued once the Supreme Court has issued its opinion. The deadlines set forth in the Court's Order of March 2, 2009, are extended 45 days with the exception of pretrial disclosure sheets. Deadlines for pre-trial disclosure sheets, trial briefs, jury instructions, motions *in limine*, and stipulations will be set by the subsequent Amended Scheduling Order.

The parties are to notify the Court of the Arkansas Supreme Court's decision within 10 days of its decision in *Johnson v. Rockwell Automation, Inc., et al.* 1:06CV00017.

IT IS SO ORDERED THIS 23 day of March, 2009.



James M. Moody
United States District Judge