

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

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**CASE NO. 3:09-CV-00031 BSM**

**BOBBY L. HURT AND SUE R. HURT**

**DEFENDANTS**

**ORDER**

Defendants Bobby L. and Sue R. Hurt seek to designate certain portions of defendant Sue R. Hurt's deposition testimony to be used at trial. [Doc. No. 66]. Plaintiff United States of America ("the government") has objected [Doc. No. 71], and the Hurts have responded. [Doc. No. 76]. The government's objection is summarily sustained. As stated in the order issued August 18, 2010, Sue Hurt has not established her unavailability under Rule 32 and may not designate her deposition testimony for use at trial.

IT IS SO ORDERED this 18th day of October, 2010.



UNITED STATES DISTRICT JUDGE