

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

KERRY HOGLAND, et al.

PLAINTIFFS

VS.

3:14CV00273 JTR

TOWN & COUNTRY GROCER
OF FREDERICKTOWN MISSOURI, INC.

DEFENDANT

ORDER

On August 25, 2015, the Court received an email from counsel for Defendant, Town & Country Grocer of Fredericktown Missouri, Incorporated (“Town & Country”), requesting permission, under Local Rule 47.1, “to contact some jurors to get opinions on how they viewed some of the evidence in the case.”¹

While the Court generally allows attorneys to speak with jurors, after they have rendered their verdict, it has developed a number of rules that attorneys must follow in performing this task. These rules are designed to balance the attorneys’ interest in learning how the jury evaluated the evidence and their arguments at trial, with the jurors’ interest in not being harassed or unduly burdened by questions from the lawyers.

¹ A copy of this email, marked Exhibit A, is attached to this Order.

First, counsel for Town & Country must provide the Court and Mr. Dreyer, within seven days from the entry of this Order, with the specific questions that they propose to ask those jurors who may be willing to talk with them about the case. Mr. Dreyer will be allowed fourteen days to make objections to those questions. The Court will then review the proposed questions, along with any objections, and let Town & Country's counsel know whether they may ask all or only some of those questions.

Second, after the questions have been finalized, the Court will write each juror a letter notifying them that: (1) attorneys for Town & Country would like to talk with them, individually, about the trial; (2) they are under no obligation to talk with Town & Country's attorneys and their decision to do so is strictly up to them; and (3) any of them who are willing to talk with Town & Country's attorneys about the case should contact Shauna Bostic and let her know the time of day they would prefer to be contacted and the phone number the attorneys should call to make contact with them.

Those jurors who contact Ms. Bostic and express a willingness to talk with counsel for Town & Country will be given a copy of the approved questions they will be asked about the trial. This should help those jurors to provide more thoughtful and meaningful responses to those questions when they are contacted by Town & Country's counsel.

Ms. Bostic will then provide counsel for Town & Country with the names, phone numbers, and best contact times for those jurors who are willing to talk with them about the case. *After receiving this information from Ms. Bostic, counsel for Town & Country can contact only those jurors who have indicated a willingness to talk with them about the case. The only questions that Town & country's counsel can ask those jurors are the ones previously approved by the Court.*

IT IS SO ORDERED this 1st day September, 2015.


UNITED STATES MAGISTRATE JUDGE



Hogland v. Town and Country

Jonathan Baker

to:

Paul_Wood@ared.uscourts.gov

08/25/2015 10:13 AM

Cc:

Steve Heil, Roger Dreyer, Brett McDaniel

Hide Details

From: Jonathan Baker <jbaker@barberlawfirm.com>

To: "Paul_Wood@ared.uscourts.gov" <Paul_Wood@ared.uscourts.gov>,

Cc: Steve Heil <swhe@crayhuber.com>, Roger Dreyer <rdreyer@dbbwc.com>, Brett McDaniel <brettmcdaniel@mcdanielandwells.com>

History: This message has been replied to.

Paul,

I am writing to seek permission from the Court to contact some jurors to get opinions on how they viewed some of the evidence in this case. I am wondering if a pleading is needed by Judge Ray or if there is another avenue of permission he prefers. I look forward to hearing from you.

Thanks,

JONATHAN E. BAKER
ATTORNEY AT LAW

BARBER LAW FIRM, PLLC
2700 Regions Center
400 West Capitol Avenue
Little Rock, Arkansas 72201

Direct | 501.707.6148
Company | 501.372.6175
Facsimile | 501.375.2802

www.barberlawfirm.com

The information contained in this communication is privileged, confidential information prepared in the furtherance of the rendition of professional legal services and is not intended to be disclosed to persons other than the individual named. If the recipient of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately, and delete any electronic or physical copy of this message in your control or possession.

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matter.

Exhibit A