

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

IN THE MATTER OF COOPER  
MARINE & TIMBERLANDS  
CORPORATION, No. 3:15CV00170 JLH (LEAD)  
as Owner *Pro Hac Vice* and Operator;  
and GATX THIRD AIRCRAFT, LLC,  
as Owner of the BARGE CMT 123,  
Official No. 1067600

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ROBERT L. COLEMAN, Special Administrator  
for the Estate of Nicolas Perez Hernandez, and  
his Surviving Heirs and Dependents PLAINTIFF

v. NO. 3:15CV00225 JLH

COOPER MARINE & TIMBERLANDS  
CORPORATION, *et al.* DEFENDANTS

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KASSANDRA NIEVES, Individually and as  
Personal Representative of the Estate of Juan Nieves  
and his Surviving Heirs and Dependents PLAINTIFF

v. NO. 3:15CV00350 JLH

COOPER MARINE & TIMBERLANDS  
CORPORATION, *et al.* DEFENDANTS

**ORDER**

Pursuant to the stipulation of the parties, the following motions are DENIED AS MOOT:

- a. Plaintiffs’ Motion to Exclude Expert Testimony and Opinions of Mr. Marc A. Fazioli (only as to Coleman Plaintiff, not same pending motion by Nieves Plaintiff [and only filed in Cooper Marine’s limitation of liability action]). Document #73 pending in case No. 3:15CV00170.
- b. Plaintiffs’ Motion to Exclude Expert Testimony and Opinions of Mr. Ronald L. Campana (only as to Coleman Plaintiff, not same pending motion by Nieves Plaintiff

[and only filed in Cooper Marine's limitation of liability action]]. Document #72 pending in case No. 3:15CV00170.

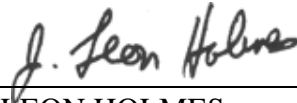
- c. Defendant Steel Dynamics Columbus, LLC's Motion for Partial Summary Judgment on Arkansas Wrongful Death and Survival Claims [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #151 pending in case No. 3:15CV00225.
- d. Defendant Steel Dynamics Columbus, LLC's Motion for Partial Summary Judgment on Third Party Beneficiary Claim. Document #154 pending in case No. 3:15CV00225.
- e. Defendant Steel Dynamics Columbus, LLC's Motion to Exclude Testimony of Dr. Thomas W. Butler [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #159 pending in case No. 3:15CV00225.
- f. Defendant Steel Dynamics Columbus, LLC's Motion to Exclude Testimony of J.P. Jamison [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #157 pending in case No. 3:15CV00225.
- g. Defendant Steel Dynamics Columbus, LLC's Motion to Exclude Testimony of James Manley [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #163 pending in case No. 3:15CV00225.
- h. Defendant Steel Dynamics Columbus, LLC's Motion to Exclude Testimony of James Pritchard [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #165 pending in case No. 3:15CV00225.
- i. Defendant Steel Dynamics Columbus, LLC's Motion to Exclude Testimony of

Richard DiNapoli [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #161 pending in case No. 3:15CV00225.

- j. Defendant Logistic Services' Motion to Exclude Reports and Testimony of Richard DiNapoli and James Manley (only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff [and only filed in Cooper Marine's limitation of liability action]). Document #70 pending in case No. 3:15CV00170.
- k. Defendant Logistic Services' Motion to Exclude Portions of the Reports and Testimony of J.P. Jamison, James Pritchard, and Dr. Thomas W. Butler [Pursuant to Federal Rules of Evidence 702 and Daubert] (only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff [and only filed in Cooper Marine's limitation of liability action]). Document #68 pending in case No. 3:15CV00170.
- l. Defendant Logistic Services' Motion for Partial Summary Judgment on Plaintiff's Claims for Non-Pecuniary Damages [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #145 pending in case No. 3:15CV00225.
- m. Defendant Cooper Marine & Timberlands Corporation's Motion for Summary Judgment [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #148 pending in case No. 3:15CV00225.
- n. Defendant Cooper Marine & Timberlands Corporation's Motion for Partial Summary Judgment [with Respect to Certain Claims Sought in the Above Styled Cause] [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #177 pending in case No. 3:15CV00225.

- o. Defendant Cooper Marine & Timberlands Corporation's Motion to Exclude Testimony of James Pritchard [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #181 pending in case No. 3:15CV00225.
- p. Defendant Cooper Marine & Timberlands Corporation's Motion to Exclude Testimony of J.P. Jamison [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #183 pending in case No. 3:15CV00225.

IT IS SO ORDERED this 7th day of July, 2017.



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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE