

**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

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

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.

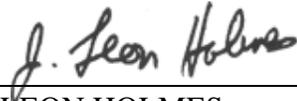
- c. Defendant Steel Dynamics Columbus, LLC's Motion for Partial Summary Judgment on Arkansas Wrongful Death and Survival Claims [(only as to Coleman Plaintiff, not same pending motion against Nieves Plaintiff)]. Document #151 pending in case No. 3:15CV00225.
- d. Defendant Steel Dynamics Columbus, LLC's 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.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE