

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

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

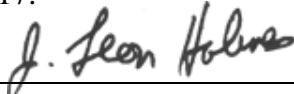
ORDER

Earlier this year, numerous motions in limine and motions to exclude evidence were filed in this case. In the interim, two developments have occurred. First, the plaintiff has settled her claims with the defendants, so the motions in limine filed by the plaintiff and motions in limine filed by defendants to exclude the plaintiff's evidence are moot. Second, the defendants, who have cross-claims against one another, have waived a jury trial. Because the case will be tried to the Court rather than to a jury, it does not appear necessary to rule on evidentiary issues before trial.

If a party believes that an evidentiary issue must be decided before trial even though the case will be tried to the Court, it may renew arguments in a motion in limine or a *Daubert* motion. Please note that the present scheduling order requires that *Daubert* motions be filed on or before January 16, 2018, and motions in limine to be filed on or before February 26, 2018. Unless it is necessary for an evidentiary issue to be decided before trial, the Court prefers that such issues be presented in trial briefs or at trial so that the Court can hear all of the evidence and make any necessary evidentiary rulings in conjunction with issuing findings of fact and conclusions of law.

All pending motions are denied without prejudice.

IT IS SO ORDERED this 1st day of December, 2017.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE