

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

**SHERRAN K. HALE, Individually and
as Administrator and Personal Representative
of the Estate of Robert W. Hale, deceased**

PLAINTIFF

v.

No. 3:16-cv-120-DPM

**EMPIRE EXPRESS, INC.; and J. ANTHONY
BRADLEY, Administrator and Personal
Representative of the Estate of
Iketha D. Winchester, deceased***

DEFENDANTS

ORDER

The Court appreciates the supplemental record materials on Marceau's inadequate-warnings opinion. *No. 139 & No. 140*. Hale's motion in limine on this issue is denied. Marceau's opinion on traffic signs and Cole's opinion on best practices are much the same: more should have been done. Nobody knows with certainty exactly what upstream signs existed on the day of the crash. Taking everything available, and drawing on his long experience, Marceau has an opinion about what signs were in place. And he concludes that these warnings were inadequate in the circumstances. Sufficiently reliable—though imperfect—evidence undergirds his opinions. *Daubert v. Merrell Dow*

* The Court directs the Clerk to update the docket: Empire Transportation, Inc., has been dismissed.

Pharmaceuticals, Inc., 509 U.S. 579, 592-95 (1993). Aided by searching cross-examination, the jury can decide how much weight to give Marceau's opinions, as well as those from the other experts.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

10 July 2018