

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

**KENNY HERRON and MARY LOU
HERRON, as Guardians of the Person and
Estate of Cadence Nevaeh McGuire, a minor;
MARY LOU HERRON, Administratrix of the
Estates of Jessica M. McGuire and Brinley M.
McGuire, a minor, and for their Wrongful
Deaths; and CHARLES JEFF GARDNER,
Administrator of the Estate of Nicholas
McGuire and for his Wrongful Death**

PLAINTIFFS

v.

No. 3:16-cv-127-DPM

**APAC OF TENNESSEE, INC.; SUPERIOR
TRAFFIC CONTROL-MEMPHIS, INC.;
J E PHILLIPS & SONS, INC.; BEST TRUCK
& TRAILER, INC.; RICHARD CARL
ADAMS; and WABASH NATIONAL
CORPORATION d/b/a Wabash
National Trailer Centers, Inc.**

DEFENDANTS

ORDER

1. For the reasons stated on the record at the 15 January 2019 hearing, the Court made the following rulings on pending motions.

ON THE CONSTRUCTION PROJECT

- Plaintiffs' motion to strike Superior Traffic's motion to exclude Rhoades, *No 246*, is denied.
- Superior Traffic's motion to exclude Rhoades's traffic-engineering opinions, *No 230*, is granted.
- Superior Traffic's motion for summary judgment, *No 202*, is granted.
- APAC's motion for summary judgment, *No 213*, is granted.

ON THE TRAILER

- Wabash and Best's motions (joined by Phillips and Adams) to exclude Rhoades's and Ponder's opinions, *No 167 & 196*, are denied as to Ponder and partly granted and partly denied as to Rhoades.
- Wabash's motion for summary judgment, *No 168*, is partly granted and partly denied.
- Best's motion for summary judgment, *No 191*, is partly granted and partly denied.
- Phillips and Adams's motion for partial summary judgment on rear-impact-guard-related allegations, *No 194*, is denied.

OTHER

- Wabash, Phillips, and Best's motions for partial summary judgment on punitive damages, *No 190, 195, & 205*, are granted.

- Superior Traffic and APAC's motions for partial summary judgment on punitive damages, *No 209 & 213 (part)*, are denied without prejudice as moot.
- Defendants' motion to bifurcate the liability and damages phases of the trial, *No 189*, is denied.

2. Notices on third-party claims, cross claims, and trial participation by Mr. McGuire's estate and any other non-lead party due by 22 January 2019.

So Ordered.

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

17 January 2019