

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

TOMMIE KAY WYATT,  
Individually, and as Personal  
Representative of the Estate of  
Shawn Edward Wyatt, Deceased

PLAINTIFF

v.

3:16-cv-329-DPM

ROACH MANUFACTURING  
CORPORATION

DEFENDANT

ORDER

Roach Manufacturing's motion for summary judgment, *No. 12*, is denied without prejudice. The label makes it likely that the assembly line was made by Roach Manufacturing in Arkansas, but this key fact isn't undisputed. There could, for example, be component-parts issues. Arkansas law requires a rather delicate balancing of the circumstances in choosing the applicable law for this tort case. *Schubert v. Target Stores, Inc.*, 360 Ark. 404, 410–12, 201 S.W.3d 917, 922–23 (2005); *Miller v. Pilgrim's Pride Corp.*, 366 F.3d 672, 674 (8th Cir. 2004). The manufacturing details—as well as the details about components, sale, distribution, and how this machine came to be at Black & Decker's Tennessee facility—need to be pinned down for the Court to get the balance as right as it can. Roach Manufacturing is correct that Wyatt hasn't followed the letter of Rule of Civil Procedure 56(d) about the

need for more discovery. That need, though, is obvious to the Court from the record. When the motion is renewed, the parties don't have to repeat the arguments made. The Court will consider all the original briefing – plus short and focused supplemental papers.

So Ordered.

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

28 September 2017