

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

**JOHN H. ALLEN**

**PLAINTIFF**

**v.**

**CASE NO.: 4:93-cv-00398 BSM**

**MONROE COUNTY, ARKANSAS**

**DEFENDANT**

**ORDER**

John Allen cites three reasons for moving for a new trial: (1) it was an error to respond to the five questions asked by the jurors without allowing the parties to object or respond on the record; (2) the tape measure provided to the jurors during deliberation is extrinsic evidence that biased the jury's verdict; and (3) Allen proved every element of his claim by a preponderance of the evidence. The defendant objects to the motion for new trial. After reviewing the briefs and record, the motion for new trial [Doc. No. 140] is denied.

IT IS SO ORDERED this 20th day of December, 2010.



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UNITED STATES DISTRICT JUDGE