

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

RONALD MARK CLARK, Individually
and as Next Friend and Guardian of
Forrest Manning, a Minor; and MARGARET
KELLY CLARK, Individually and as Next
Friend and Guardian of Forrest Manning, a
Minor

PLAINTIFFS

v.

Case No. 4:07-cv-477-DPM

JOHN BAKA, M.D. and JOHN V. BAKA,
M.D., P.A.

DEFENDANTS

ORDER

For the reasons stated on the record at the 13 January 2011 hearing, the parties' motions *in limine* – Document Nos. 379, 380, 381, 383, & 385 – are granted in part and denied in part.

1. **Defendants' General Motion *In Limine*.** Subsections (a), (b), (c), (f), (g), (h), (j), (k), (l), (m), and (n) of Defendants' general motion *in limine* are granted based on the parties' agreement. Subsection (d) is also granted. Subsection (o) is granted as to opening statements; the Court

reserves ruling, however, with regard to closing argument. Subsections (e) and (i) are denied.

2. Plaintiffs' General Motion *In Limine*. Because of a numbering error in the motion, several subsections appearing on pages 25–32 duplicate the numbering of earlier subsections. For the sake of clarity, these are referred to as “duplicate subsections.”

- Subsections 1.04, 3.01, 4.01, 5.02–5.03, 7.01, 9.06–9.07, 10.01–10.10, 11.01, 17.01–18.01, 20.01–21.01, 22.02–22.05, 22.07, 22.09–25.01, 26.02–27.02, 27.04–27.05, 27.07–33.02, 36.01, 38.01–40.01, 40.04, 40.06–40.07, and 40.10–40.12 are granted. Duplicate subsections 22.01–23.01, 28.01, and 30.00–31.01 are also granted.
- Subsections 5.01 and 13.01–13.03 are tentatively granted.
- Subsections 2.01, 10.11, 14.01, 19.01, 27.03, 27.06, and 34.01–35.01 are granted as modified. Duplicate subsections 27.01 and 29.01 are also granted as modified.
- Subsection 37.01 is granted in part and denied in part.

- Subsections 1.01–1.03, 6.01, 8.01–9.05, 9.08, 9.10, 12.01, 16.01, 22.01, 22.08, 37.01, and 41.00 are denied.
- Subsection 22.06 is denied as moot. Duplicate subsections 24.01–25.01 are also denied as moot.
- Subsections 9.09, 15.01, 26.01, 40.02–40.03, 40.05, and 40.08–40.09 were withdrawn.

3. Dr. Podosin's Opinions. The Defendants' motion *in limine* regarding Dr. Robert Podosin's opinions is granted in part and denied in part.

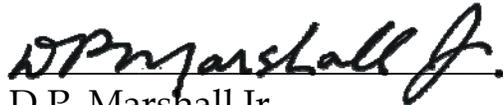
4. Dr. Null's Opinions. The Defendants' motion *in limine* regarding Dr. Donald Null's opinions is granted in part and denied in part.

5. Dr. Naramor's New Report. The Defendants' motion *in limine* regarding Dr. Terrie Naramor's updated report and new opinions is granted as modified. Dr. Naramor may testify about her new testing and opinions *only* if the Plaintiffs produce Dr. Naramor for a supplemental deposition in Arkansas. This deposition must take place no later than 21 January 2011; and all the costs of the supplemental deposition, including Dr. Naramor's fee and expenses, must be paid by Plaintiffs. The deposition

is limited to matters related to the new report and updated opinions. The parties should avoid covering ground already plowed in Dr. Naramor's first deposition, except on matters clearly implicated by the new report.

Moreover, if the Plaintiffs produce Dr. Naramor for a supplemental deposition and use her updated opinions at trial, then the Defendants may use Dr. Jody Hagan as a late-game responding expert. The Plaintiffs may depose Dr. Hagan before 28 January 2011.

So Ordered.


D.P. Marshall Jr.
United States District Judge

21 January 2011