

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

MYCHAEL JONES

PLAINTIFF

V.

NO: 4:08CV00225

**MARQUIS RODGERS and DART TRANSIT
COMPANY d/b/a DART TRANSPORT COMPANY**

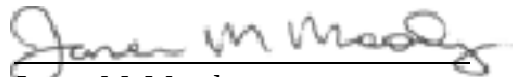
DEFENDANTS

ORDER

Pending is Defendants' motion in limine, docket # 70, to exclude testimony of Dr. Michael Spann, to exclude photos introduced at Dr. Michael Spann's deposition, or alternatively to prohibit introduction of Dr. Michael Spann's deposition testimony at trial. Plaintiff has responded and states that only three of the twelve photographs introduced during the deposition of Dr. Spann had not been produced prior to his deposition. The Court finds the photographs at issue relevant and that the Defendants' will suffer no prejudice by the introduction of the photographs not previously provided. The Court will not exclude the photographs or the testimony of Dr. Spann relating to those photographs, further, it is premature to rule on the admissibility of the deposition of Dr. Spann at trial.

Wherefore, Defendants' motion, docket # 70, is denied.

IT IS SO ORDERED this 8th day of June, 2009.



James M. Moody
United States District Judge