

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

**DILLARD'S INC. and
DILLARD INVESTMENT
COMPANY, INC.**

PLAINTIFFS

v.

CASE NO. 4:08cv00470

NORSTAN COMMUNICATIONS, INC.

DEFENDANT

ORDER

This is a breach of contract case involving an indemnification clause. Pending before the court are plaintiffs' Motion for Sanctions to Limit Defenses and Evidence of Defendant [Doc. No. 28] and defendant's response [Doc. No. 30]. The plaintiffs assert that the defendant should be precluded from raising certain defenses and evidence at trial because of the Rule 30(b)(6) deponent's failure to testify as to the reasons why the defendant refused plaintiffs' request for defense and indemnification.

After careful review, the court finds that the plaintiffs' Motion for Sanctions [Doc. No. 28] should be denied. The court will, however, permit the plaintiffs to liberally utilize the 30(b)(6) deponent's deposition to cross-examine any of defendant's agents who testify at trial regarding the reasons the defendant denied plaintiffs' request for defense and indemnification.

IT IS SO ORDERED this 1st day of April, 2009.


UNITED STATES DISTRICT JUDGE