

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

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

PLAINTIFF

v.

CASE NO. 4:08CV03127 BSM

ROCK-TENN COMPANY

DEFENDANT

ORDER

The parties have filed numerous motions *in limine*. It is difficult to determine the admissibility of much of the evidence at issue without hearing it in the context of trial. Therefore, although many of the requests to exclude evidence *in limine* are denied, the parties may renew their objections at trial. The motions are granted or denied as set forth below.

The EEOC's motion to strike witnesses whose sole purpose is to testify as to Wiley's flirtatious conduct in the workplace [Doc. No. 59] is denied.

The EEOC's motion to strike Rock-Tenn's 2001 employee handbook [Doc. No. 61] is denied.

The EEOC's motion to prevent the introduction of a list of female employees who worked for Rock-Tenn from March to September 2007 [Doc. No. 63] is denied.

Rock-Tenn's motion for the admission *in limine* of evidence related to Wiley's sexual conduct [Doc. No. 65] is denied.

Rock-Tenn's motion to strike Sessions as a witness [Doc. No. 67] is denied.

Rock-Tenn's motion to exclude all evidence regarding Cothren's 1995 complaint against Birch [Doc. No. 80] is granted.

Rock-Tenn's unopposed motion and amended motion to exclude testimony concerning rumors about the circumstances surrounding Birch's termination with his

previous employer [Doc. Nos. 82, 88] are granted.

Rock-Tenn's motion to exclude hearsay statements that Birch laughed and smiled about his written reprimand [Doc. No. 84] is granted.

Rock-Tenn's motion to exclude all evidence relating to Birch's 2008 conviction for misdemeanor harassment [Doc. No. 86] is denied.

Rock-Tenn's motion to exclude all evidence relating to Yancy's allegations of sexual harassment [Doc. No. 90] is denied.

Rock-Tenn's motion to exclude hearsay statements regarding male employees' alleged comments regarding their freedom to do whatever they wanted in the workplace [Doc. No. 92] is granted.

Rock-Tenn's motion to exclude all evidence regarding Newport's claim and to strike her from EEOC's witness list [Doc. No. 94] is denied.

Rock-Tenn's motion to strike Brown from EEOC's witness list [Doc. No. 96] is denied.

IT IS SO ORDERED this 22nd day of June 2011.


UNITED STATES DISTRICT JUDGE