

**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**

There are six pending 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 exclude testimony regarding Wiley's trip to Louisiana in 2011 [Doc. No. 50] is denied.

The EEOC's motion to exclude evidence of Wiley's alleged flirtatious behavior in the workplace [Doc. No. 52] is denied.

The EEOC's motion to exclude evidence of rumors that Brown put pictures of her breast on the internet [Doc. No. 57] is granted.

The EEOC's motion to exclude evidence of or inquiry regarding Hearst's prior workers' compensation claim against Rock-Tenn [Doc. No. 70] is granted.

The EEOC's motion to exclude evidence of or inquiry regarding Wiley's prior workers' compensation claim and personal injury action against Rock-Tenn [Doc. No. 72] is granted.

Rock-Tenn's motion to exclude certain documents listed in the EEOC's pretrial disclosure sheet [Doc. No. 98] is granted in part and denied in part as follows.

The following evidence is excluded *in limine*: the union investigation report regarding the sexual harassment allegations against Birch (but this evidence may be admitted

if Rock-Tenn opens the door); documents submitted with the EEOC's initial disclosures to include Brown's charge of discrimination and Rock-Tenn's responses to the charge of discrimination and all subsequent responses; and the out-of-court statements made by Yancy and Brown containing allegations as to Birch and Rock-Tenn.

The following evidence is not excluded *in limine*: Birch's 1995 disciplinary write-up; documents regarding Wiley's criminal charges against Birch; and financial documents showing Rock-Tenn's net worth.

IT IS SO ORDERED this 24th day of June 2011.

  
UNITED STATES DISTRICT JUDGE