

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

KENNITH McDOWELL, ROBERT *
MAULDING, GREGORY J. STICKNEY, *
LUTHER STRIPLING, RUDY KYLE, *
FRED DOLLAR, JAMES JOSLIN, and *
JAMES MILNER, *

Plaintiffs, *

vs. * No. 4:08cv003979 SWW

ELBERT PRICE, individually and as Trustee *
for Bud Price’s Excavating Service, Inc. *
Profit-Sharing Plan and for Price’s Utility *
Contractors, Inc. Retirement Plan; MARY *
RUTH PRICE, individually and as Trustee *
for Bud Price’s Excavating Service, Inc. *
Profit-Sharing Plan and for Price’s Utility *
Contractors, Inc. Retirement Plan; Bud Price’s *
Excavating Service, Inc. Profit-Sharing Plan; *
and Price’s Utility Contractors, Inc. *
Retirement Plan; Price’s Utility Contractors, *
Inc. as plan administrator for Price’s Utility *
Contractors, Inc. Retirement Plan and *
Bud Price’s Excavating Service, Inc. as plan *
Administrator of Bud Price’s Excavating *
Service, Inc. Profit-Sharing Plan, *

Defendants. *

ORDER

Plaintiffs’ appeal [doc.#268] of the Magistrate Judge’s Order [doc.#257] denying
plaintiffs’ motion to exclude testimony by the Friday law firm has been considered by the Court
and is hereby denied.¹

¹ Plaintiffs note that the Magistrate Judge’s Order also appears in docket entry #259. The Clerk’s Office mistakenly filed the Magistrate Judge’s Order in docket entry #259 and corrected its error by making clear that docket entry # 259 is actually the Magistrate Judge’s Proposed Partial Findings and Recommendations dated March 8, 2010, recommending that plaintiffs’

IT IS SO ORDERED this 23rd day of March 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

motion [doc.#118] to set aside defendants' July 27, 2009 Amendment of the Bud Price's Excavating Service, Inc. Profit Sharing Plan be denied without prejudice.