

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

**WINFER "D.D." ABERNATHY**

**PLAINTIFF**

**v.**

**4:08CV04187-BRW**

**UNION PACIFIC RAILROAD COMPANY**

**DEFENDANT**

**ORDER**

Now that the trial date has been changed to commence on Monday, August 1, 2011, Plaintiff will be permitted to call David McGee, Lance Phillips, Rodney McCoy, and Jimmy Bowman (non-disclosure being the only grounds cited to exclude these witnesses); and Defendant will be permitted to depose these witnesses.

These deposition dates should be established forthwith. If the parties cannot readily agree on deposition dates (which they should be able to do), I will set them.

Defendant's Motion to Strike Plaintiff's Supplemental Rule 26(a) Disclosures (Doc. No. 106) is DENIED.

IT IS SO ORDERED this 3<sup>rd</sup> day of May, 2011.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE