

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

JAMES DUREN; ANN DUREN;
J.J.'S TRUCK STOP, INC.; and
AL'S TRUCK STOP OF MALVERN, INC.

PLAINTIFFS

v.

No. 4:09-cv-713-DPM

E.I. DUPONT DE NEMOURS AND
COMPANY; SENTINEL TRANSPORTATION,
LLC; and JOHN DOES 1-10

DEFENDANTS

ORDER

For the reasons stated on the record at the 28 June 2012 hearing, the parties' motions *in limine* – Document Nos. 93, 94, 95, 96, & 98 – are granted in part, denied in part, and held in abeyance in part.

1. Defendants' General Motion *In Limine*. Defendants' motion, Document No. 98, is granted as to subsections 5, 6, 19, & 20, and is granted by agreement as to subsections 7, 9, 12, 13, & 17. Subsections 8, 14, & 18 are denied without prejudice as premature and too general. Subsections 16 & 21–26 are denied as they have been adequately addressed in the Court's earlier ruling on summary judgment. Document No. 81. Subsections 10, 11, & 15 are denied as moot.

Subsections 1–4 are also denied as moot, but with one exception: the Court will allow Plaintiffs to play some video clips of local news coverage about the incident. The parties must confer, however, and winnow down the Plaintiffs’ news clips. The newspaper articles are excluded.

2. Richard Duren and Witness Statements to Counsel. Plaintiffs’ motions, *Document Nos. 93 & 95*, are granted by agreement. Further, the Court will honor counsel’s request and inquire during *voir dire* about whether members of the venire know any of the folks associated with Richard Duren.

3. Christopher Mercer’s Opinion and Testimony. Motion, *Document No. 94*, held in abeyance. The Court needs more context. Plaintiffs should therefore supplement the motion with copies of the full Mercer deposition and report by Monday, 2 July 2012.

4. Charlotte Squires and Business Records. Motion, *Document No. 96*, is also held in abeyance. As the Court noted, there are two questions here. First, are the records admissible as authenticated business records? And second, what effect does their admissibility or inadmissibility have on Mercer’s expert opinion testimony? The parties should file short, simultaneous briefs on these two points by Monday, 2 July 2012.

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Motion, *Document No. 98*, granted in part and denied in part. Motions, *Document Nos. 93 & 95*, granted by agreement. Motions, *Document Nos. 94 & 96*, held in abeyance. Mercer supplement and post-hearing briefs due by 2 July 2012. The parties should also submit their lists of proposed *voir dire* questions to chambers, with copies to opposing counsel, by 2 July 2012.

So Ordered.



D.P. Marshall Jr.
United States District Judge

29 June 2012