

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

REYES SALINAS and MAGDALENA  
SALINAS, husband and wife,

Plaintiffs,

vs.

GLOBAL GEOPHYSICAL SERVICES,  
INC. and SEECO, INC.,

Defendants.

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No. 4:10CV00316 SWW

**Order**

Plaintiffs operate a game ranch in Arkansas. They filed a complaint on May 3, 2010, based on diversity jurisdiction, alleging breach of contract and negligence. Plaintiffs claim employees of Global Geophysical Services, Inc. (“Global”) negligently cut a hole in the ranch’s fence allowing 109 whitetail deer to escape. They also claim Global negligently damaged plaintiffs’ timber. In response to discovery, plaintiffs disclosed four witnesses they may call to testify as to negligent acts committed on their property by Global. Global asks the Court to disallow the witnesses’ testimony, arguing it is inadmissible under Fed.R.Evid. 401, 402, 403, and 404(b). In response, plaintiffs say that Global contends it did not cut a hole in plaintiffs’ fence or damage their timber. Global says its employees do not carry wire cutters. Plaintiffs argue that the testimony of their witnesses that they had similar problems with Global and saw Global employees with wire cutters is clearly admissible to show identity and to impeach Global. They also say the witnesses will show that Global had notice of the negligent acts of its employees and regularly damaged timber when driving on the surface owner’s property.

The Court finds that the motion in limine [docket entry 13] should be and is hereby denied at this time. Separate defendant Global may refile its motion closer to the trial date.<sup>1</sup>

SO ORDERED this 29<sup>th</sup> day of November, 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

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<sup>1</sup>See Final Scheduling Order (doc. no. 9)(motions in limine shall be filed within 14 calendar days prior to trial).