

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

HILDA BUCKLEY

PLAINTIFF

v.

No. 4:10CV02009 JLH

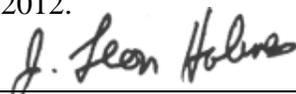
UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES

DEFENDANT

ORDER

The Board of Trustees of the University of Arkansas (hereinafter “UAMS”) has moved in limine to exclude the testimony of UAMS employees Latonia Adams, Bonita Brown, Shirley Jones, Marla McDaniel, Verla Sims, and Jean Walker, as well as former UAMS employees Santania King and Carla Neal. UAMS argues that because these witnesses have no personal knowledge of the facts and circumstances surrounding Hilda Buckley’s termination, their testimony is irrelevant under Rule 401 and therefore admissible under Rule 402. They contend that instances of an alleged hostile work environment or discrimination against other employees would be irrelevant to Buckley’s claim. In response, Buckley does not contend that any of these persons have personal knowledge of the circumstances pertaining to her discharge, but she does argue that the testimony should be admitted on the issue of motive or intent. The Eighth Circuit has said, “evidence of prior acts of discrimination is relevant to an employer’s motive in discharging a plaintiff, even where this evidence is not extensive enough to establish discriminatory animus by itself.” *Estes v. Dick Smith Ford, Inc.*, 856 F.2d 1097, 1104 (8th Cir. 1988). Therefore, testimony from these eight persons regarding prior acts of discrimination could be relevant and admissible. The motion in limine is denied. Document #27.

IT IS SO ORDERED this 20th day of January, 2012.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE