

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

GABRIEL M. COKER

PLAINTIFF

v.

No. 4:11-cv-867-DPM

BRAD CARTWRIGHT

DEFENDANT

ORDER

1. For reasons explained on the record at the 22 January 2015 pretrial, Coker's motion in limine, *No. 86*, is granted as modified by agreement on the felon-in-possession conviction and otherwise denied. Coker's motion to compel, *No. 35*, is denied as moot based on Cartwright's production of the partial recording. The request for a spoliation instruction is denied for the reasons stated.

2. For reasons explained on the record at the pretrial, Cartwright's motion in limine, *No. 83*, is granted with a few exceptions. Cartwright's motion in limine is denied as to any statement Cartwright made, including statements made during the internal affairs investigation. FED. R. EVID. 801(d)(2)(A). Coker may prove Cartwright's statements through cross of him or through other witnesses. Whether Coker can play the entire video interviews remains undecided pending the Court's review of the videos. The

Court reserves a ruling on whether to exclude the Arkansas State Police's policies on use of force, reports, and code of ethics. The Court also reserves a ruling on the internal affairs investigation—beyond the settled issues of polygraph-related materials and testimony, which are excluded, and Cartwright's words, which are in. The Court will review the DVDs and investigation materials submitted at the hearing.

3. The Court continues to work on the punitive damages issue.

4. Any additional filing from any party on any pretrial issue must be made as soon as possible and no later than 29 January 2015.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

23 January 2015