

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

HAZEL P. LEDBETTER

PLAINTIFF

v.

CASE NO. 4:12CV00278 BSM

CONTINENTAL ASSURANCE COMPANY

DEFENDANT

ORDER

The motion in limine filed by defendant Continental Assurance Company (“CAC”) [Doc. No. 35] is granted and/or denied as follows:

1. Request to prohibit testimony or evidence that CAC had a legal duty to investigate and determine when Mr. Ledbetter died is denied because this determination cannot be made until the evidence is heard in context with the other trial testimony.

2. Request to prohibit testimony or evidence that CAC had a duty to notify Mr. Ledbetter’s beneficiary when it became aware of his death is denied because this determination cannot be made until the evidence is heard in context with the other trial testimony.

3. Request to prohibit testimony or evidence that CAC had reason to believe Mr. Ledbetter had died is denied.

4. Request to prohibit testimony or evidence that CAC could have consulted the “Death Master File” produced by the Social Security Administration to determine when Mr. Ledbetter died is denied.

5. Request to prohibit testimony, evidence, or arguments that CAC intentionally

destroyed or withheld evidence, including the policy at issue is granted.

IT IS SO ORDERED this 17th day of January 2014.



UNITED STATES DISTRICT JUDGE