

3. BHP's new motion in limine and new motion for summary judgment are denied. The Court's Fourth Amended Final Scheduling Order did not provide for another round of *limine* motions or another round of dispositive motions. The Court's July 2015 comprehensive Order, *No 120*, resolved ten such motions—including BHP's omnibus motion in limine (with thirteen embedded motions), BHP's motion to exclude Hite's testimony on *Daubert* grounds, and BHP's motion to strike Hite's supplemental report. *No 120 at 6, & 12-13*. The only new material, since the Court ruled, is Hite's correction of two math errors and BHP's rebuttal expert opinion. True, BHP has expanded its *Daubert* attack, targeting Hite's second supplemental report in particular. But the argumentative core is the same. *No 95 at 4-5 & 137 at 10*. The Court declines to allow BHP to make another run at Hite, or at judgment as a matter of law, now. We're going to trial.

* * *

Motions, *No 136 & 138*, denied. Joint report on the possible June trial date due by 22 January 2016.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

15 January 2016
