

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**PIONEER CIVIL CONSTRUCTION, LLC, and
TRINITY UNIVERSAL INSURANCE COMPANY**

PLAINTIFFS

V.

5:08CV00207 JMM

**VOLVO CONSTRUCTION EQUIPMENT
NORTH AMERICA, INC.**

DEFENDANT

ORDER

Pending is the Plaintiffs' Motion in Limine. The Court has received the Defendant's response to the motion.

Plaintiffs ask the Court to disqualify the testimony of Defendant's expert, Joseph Michael Miles. Plaintiffs contend that Mr. Miles' testimony as to the cause of the excavator fire is speculative and does not assist the jury in determining the merits of the case. The Court finds, however, that Mr. Miles' testimony is admissible under Federal Rule of Evidence 702. The weight to be accorded Mr. Miles' testimony will be determined by the jury.

Plaintiffs' Motion to Limine (Docket # 27) is DENIED.

IT IS SO ORDERED this 9th day of July 2009.



James M. Moody
United States District Judge