

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

PIONEER CIVIL CONSTRUCTION LLC

PLAINTIFF

V.

5:08CV00207JMM

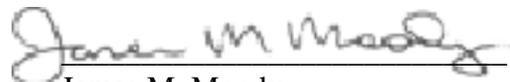
**VOLVO CONSTRUCTION EQUIPMENT
NORTH AMERICA INC.**

DEFENDANT

ORDER

At the close of the Plaintiff's case on July 13, 2009, Defendant made a motion for judgment as a matter of law. The Court took the motion under advisement. After considering the evidence presented at trial including the Plaintiff's rebuttal evidence, the Court finds that Plaintiff presented sufficient evidence on the issues of liability and the fair market value of the Volvo excavator before and after the fire. Accordingly, Defendant's motion for judgment as a matter of law is DENIED.

IT IS SO ORDERED this 20th day of July 2009.



James M. Moody
United States District Judge