

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

F. MIKE LYBRAND

PLAINTIFF

VS.

NO. 5:10CV00045

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

ORDER

Pending are the parties' objections to deposition designations and counter-designations. (Docket #'s 57, 58 and 59). Following a review of the pleadings and the deposition transcripts, the Court finds and orders as follows:

1. Defendant's objections to the Plaintiff's designations of the testimony of Dr. Richard Jordan are overruled. (Docket # 58).

2. Defendant's objections to the Plaintiff's designations of Dr. Kenneth Martin are overruled. (Docket # 58).

3. Defendant's objections to the Plaintiff's counter-designations of Dr. Kenneth Martin at page 83, line 16-22, page 91, line 9-18, and page 93, line 23-24 are sustained; the remaining objections to the Plaintiff's counter-designations of Dr. Martin are overruled. (Docket # 58)

4. Defendant's objections to the Plaintiff's counter-designations of Dr. Earl Peeples at page 152, line 19 through page 153, line 2 are sustained. The remaining objections to the Plaintiff's counter-designations of Dr. Peeples are overruled. (Docket # 58)

5. Plaintiff's objections to the Defendant's designations and counter-designations of Dr. Kenneth Martin at page 48, lines 21-24, page 62, line 23 through page 63, line 10, page 69, lines 15-20, page 70, lines 6-11, page 71, lines 4-6, and page 77, line 13 through page 80 line 22 are sustained. The remaining objections to the Defendant's designations and counter-designations of Dr. Martin are overruled. (Docket # 57).

6. Plaintiff's objections to the Defendant's counter-designations of Dr. Richard Jordan at page 40, lines 7-12, page 43, line 19 through page 45, line 25 and page 73, line 18 through page 74, line 12 are sustained. The remaining objections to the Defendant's counter-designations of Dr. Jordan are overruled. (Docket # 57).

7. Plaintiff's objections to the Defendant's designations and counter-designations of Dr. Earl Peoples at page 19, line 20 through page 24, line 1, page 133, lines 4-21 and page 156, line 5 through page 157, line 19 are sustained. The remaining objections to the Defendant's designations and counter-designations of Dr. Peoples are overruled. (Docket # 57).

8. Defendant's objections to the Plaintiff's counter designations of Dr. Jordan at page 89, line 11 through page 90, line 9 are sustained. The remaining objections to the Plaintiff's counter- designations of Dr. Jordan are overruled. (Docket # 59).

IT IS SO ORDERED this 25th day of April, 2012.


James M. Moody
United States District Judge