

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JIM W. MCCOLLUM

PLAINTIFF

v.

Case No. 2:12-CV-02034

SHELTER MUTUAL INSURANCE COMPANY

DEFENDANT

ORDER

Currently pending before the Court are Defendant Shelter Mutual Insurance Company's ("Shelter") Motion in Limine (Doc. 16) and brief in support (Doc. 17) as well as Shelter's Motion to Exclude Expert (Doc. 18) and brief in support (Doc. 19).

The Court held a pre-trial conference on February 7, 2013 during which the parties were able to advance additional arguments concerning these motions on the record. This Order sets forth the Court's rulings on the above-listed motions.

As to Shelter's Motion in Limine, it appears that the issues raised therein are moot. Plaintiff's counsel stated that he does not intend to present any evidence or argument that Shelter moves to exclude. The Court therefore DENIES the Motion (Doc. 16) as moot. To the extent that any issue addressed by Shelter in its motion arises during trial, notwithstanding Plaintiff's counsel's assurances, Shelter can raise an objection and the Court will rule on any objection at that time.

As to Shelter's Motion to Exclude Expert, for the reasons stated by the Court during the pre-trial conference, that Motion (Doc. 18) is DENIED. The Court declines to exclude J. Cord Guthrie from testifying as a rebuttal witness in this case at this time. Defense counsel may voir dire Mr. Guthrie when he is called to testify, if a voir dire of the witness is desired and appropriate.

IT IS SO ORDERED this 7th day of February, 2013.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE