

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

DENVER GULLEY

PLAINTIFF

v.

Case No. 07-3062

CITY OF MOUNTAIN HOME

DEFENDANT

**O R D E R**

Currently before the Court are various pretrial motions. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Plaintiff's **Motion in Limine (Doc. 22)** is **GRANTED** to the extent that the defendant shall not be permitted to introduce evidence of any amounts plaintiff has received in the form of social security disability benefits.

2. Plaintiff's **Second Motion in Limine (Doc. 44)** regarding the causation opinion expressed by Dr. Gary Souheaver is **DENIED**.

3. Plaintiff's **Third Motion in Limine (Doc. 46)** regarding a worker's compensation claim arising out of his employment with the City of Mountain View and past brushes with the law is **GRANTED**. Defendant shall also be prohibited from introducing evidence of a worker's compensation claim arising out of plaintiff's employment with the defendant unless the plaintiff opens the door to this evidence. In this event, defense counsel is instructed to approach

the bench before making any mention of the worker's compensation claim.

4. Plaintiff has advised that he wishes to withdraw his **Fifth Motion in Limine Regarding Vac-Con Truck DVD (Doc. 75)**. Accordingly, this motion is hereby ordered **WITHDRAWN**.

5. Plaintiff's **Sixth Motion in Limine (Doc. 79)** regarding Dr. Souheaver's evaluation of Dr. Dan Johnson's neurological testing and scoring is **DENIED**.

6. The **Motions to Quash (Doc. 86, 89)** the subpoena issued upon Dr. Johnson are **DENIED** as moot, as defense counsel has agreed to release Dr. Johnson from the subpoena.

7. Defendant's **First Motion in Limine (Doc. 49)** regarding defendant's coverage under the Arkansas Municipal League's Legal Defense Program is **GRANTED**.

8. Defendant's **Second Motion in Limine (Doc. 51)** regarding past settlements with other individuals is **GRANTED**.

9. Defendant's **Motion for Protective Order (Doc. 81)** regarding plaintiff's counsel FOIA request is taken under advisement pending the conclusion of the trial.

IT IS SO ORDERED this 6th day of April, 2009.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE