

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

ROBERT and SONJA SCHMID, husband and
wife; and SONROB HOSTS, LLC, an Arkansas
Corporation d/b/a LOOKOUT LODGE

PLAINTIFFS

v.

Case No. 3:11-CV-03094

LAFAYETTE INSURANCE COMPANY, a
Louisiana Corporation

DEFENDANT

ORDER

Currently before the Court are two Motions in Limine (Docs. 27 and 28) filed by Defendant Lafayette Insurance Company (“Lafayette”) and one Motion in Limine (Doc. 29) filed by Plaintiffs.

Because this case is now scheduled for a bench trial, the Court finds that all issues raised in Lafayette’s first Motion in Limine, as well as the issues raised in Plaintiffs’ Motion in Limine, have been mooted, as there is no danger in having a jury hear inadmissible evidence or argument. Lafayette’s first Motion in Limine (Doc. 27) and Plaintiffs’ Motion in Limine (Doc. 29) are, therefore, DENIED AS MOOT.

As to Lafayette’s second Motion in Limine, to the extent that any issues have not been mooted, the Court will make relevancy and other evidentiary determinations if and when issues arise at trial, as the Court cannot definitely determine, at this time, that any of the evidence that Lafayette requests be excluded is not relevant or material. Lafayette’s second Motion in Limine (Doc. 28) is, therefore, DENIED.

The parties can renew any objections at trial. Furthermore, the Court will take up the issue of whether Robert and Sonja Schmid have standing in this matter prior to commencing with trial

during the scheduled pretrial conference. Counsel should, therefore, be prepared to argue the standing issue at that time.

IT IS SO ORDERED this 10th day of September, 2012.

/s/ P. K. Holmes, III

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