

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

MARQCHELLO JORDAN

PLAINTIFF

v.

Case No. 4:17-cv-4011

ELMER ENRIQUE VENTURA,
and JOHN DOES 1-3

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion in Limine to Exclude Speculation Regarding Medication Prescribed to Plaintiff. (ECF No. 125). Defendant Ventura has filed a response. (ECF No. 142). The Court finds this matter ripe for consideration.

In the instant motion, Plaintiff states that during the deposition of Dr. Kamal Kabakibou, defense counsel asked various questions regarding Plaintiff's prescription medications and negative drug tests. Plaintiff further states that he "believes Defendant [Ventura] intends to use this type of questioning to imply that Plaintiff was behaving inappropriately with his prescription medications or illegally reselling the medication." (ECF No. 125, ¶ 2). Plaintiff asserts that any such implication would be speculative. Accordingly, Plaintiff argues that "Defense counsel should be precluded from eliciting testimony and making argument that would imply Plaintiff was misusing or criminally reselling his prescription medications." ECF No. 126, p. 2. In his response, Defendant Ventura objects, stating that he "does not intend to make any argument that Plaintiff was misusing or illegally selling [his] medication." ECF No. 142.

Upon consideration, the Court finds that the instant motion should be and hereby is **GRANTED** insofar as Defendant shall not elicit testimony or make arguments that would imply

Plaintiff was misusing or criminally reselling his prescription medications. To the extent Defendant intends to offer evidence of Plaintiff's prescription medication use and/or drug tests for some other purpose, Defendant is instructed to first approach the bench before offering such evidence.

IT IS SO ORDERED, this 13th day of March, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge