

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JOEL FERGUSON, et al.

PLAINTIFFS

v.

No. 5:20-CV-05053

CMS TECHNOLOGY, INC., et al.

DEFENDANTS

**OPINION AND ORDER**

Before the Court are Defendants' motion (Doc. 40) for summary judgment, brief (Doc. 41) and statement of facts (Doc. 42) in support, Plaintiffs' response (Doc. 65) and brief (Doc. 66) in opposition to that motion, and Defendants' reply (Doc. 72), brief (Doc. 73), and additional statement of facts (Doc. 74) in support of summary judgment. Also before the Court are Plaintiffs' motion (Doc. 53) for partial summary judgment, brief (Doc. 54) and statement of facts (Doc. 55) in support, Defendants' response (Doc. 69), brief (Doc. 70), and statement of facts (Doc. 71) in opposition, and Plaintiffs' reply (Doc. 76) and brief (Doc. 77) in support.

Several issues of material fact remain outstanding. In particular, the factual circumstances surrounding the control and maintenance of the paracetic acid transfer hose involved in Plaintiffs' injuries, and whether the use of that hose by Plaintiffs was at Defendants' direction, must be determined by a jury.

IT IS THEREFORE ORDERED that the motions (Docs. 40 and 53) are DENIED.

IT IS SO ORDERED this 22nd day of June, 2021.

*/s/ P. K. Holmes.*

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