

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**JASON COTTERILL,**

**Plaintiff,**

**v.**

**Case No. 8:07-cv-262-T-30TBM**

**O. F. MOSSBERG & SONS, INC. and  
WAL-MART STORES EAST, LP,**

**Defendants.**

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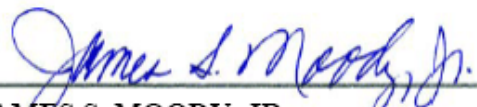
**ORDER**

THIS CAUSE comes before the Court upon consideration of multiple pending motions during the parties' March 4, 2008 Pretrial Conference. As discussed in open court during the Pretrial Conference, it is hereby ORDERED AND ADJUDGED that:

1. Plaintiff's motion to strike the expert testimony of Ronald R. Bell (Dkt. 182) is **DENIED**. However, Defendants' counsel must obtain Court approval at side bar before making any reference to Plaintiff being under the influence of drugs at the time of the subject incident.
2. Plaintiff's Motion for Clarification of Rulings and for Possible Amendment to the Scheduling Order Permitting Supplement to Expert Mr. Butters Opinions is **DENIED** (Dkt. 189). Plaintiff's expert John T. Butters may not opine that the bolt head assembly pin was broken.

3. Plaintiff has withdrawn his Motion to Determine Subject of Daubert Hearing (Dkt. 190). The Clerk is directed to **TERMINATE** that motion.
4. Plaintiff's Motion to Allow Telephonic Appearance (Dkt. 194) is **GRANTED**. Mr. Butters may appear telephonically at the *Daubert* hearing, which shall be set prior to trial.
5. Plaintiff's Motion in Limine Re: Demonstrative Exhibits or in the Alternative Request for Visit to the Gun Range by the Jury and to Establish Protocol to Bring Rifles into the Courthouse (Dkt. 180) is **DENIED without prejudice** for lack of specificity. The parties shall file a joint motion specifically identifying any firearms they wish to use as demonstrative aids or admit into evidence during trial.

**DONE** and **ORDERED** in Tampa, Florida on March 4, 2009.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies furnished to:**  
Counsel/Parties of Record

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