

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

**MELISA H. BYRD, as Administratrix of the Estate of Jack Ronald Holton, Sr., and of the Estate of Edna Grace Sconyers Holton, and as a surviving child of Jack Ronald Holton, Sr., and Edna Grace Sconyers Holton, and JACK RONALD HOLTON, JR., ANTHONY DOUGLAS HOLTON, and STEVEN TODD HOLTON, the surviving children of Jack Ronald Holton, Sr., and Edna Grace Sconyers Holton,**

**Plaintiffs,**

**v. 609CV014**

**WAL-MART TRANSPORTATION, LLC, and THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA,**

**Defendants.**

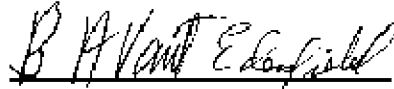
**ORDER**

In a consolidated order entered on 11/18/09, doc. # 105, the Court granted Plaintiffs' motion *in limine* to exclude the testimony of Dr. Mark Lee Edwards, Defendants' expert on human factors analysis, doc. # 59. In hindsight, the Court may have been overbroad in its disposition of that motion and now enters this Order to clarify the extent to which Dr. Edward's testimony will be excluded at trial.

In the consolidated order, the Court reasoned that the "logical gap between the physical evidence in this case and [Dr. Edward's] conclusion that Wal-Mart's driver was alert/attentive preceding the collision is too remote to be reliable." Doc. # 105 at 2. Dr. Edward's conclusion that Wal-Mart's driver was alert or attentive is therefore inadmissible. However, any testimony pertaining to the interpretation or analysis of physical evidence remains admissible at trial

(e.g., driver logs, time of day, electronic data downloaded from Wal-Mart vehicle, other physical evidence at the scene). Any testimony relating to Mrs. Holton's perception of the oncoming vehicle prior to impact is likewise admissible.

This day of 23 November 2009



**B. AVANT EDENFIELD, JUDGE**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**