

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

MANABU YOSHIIKE,)	
TAKAKO YOSHIIKE,)	
)	
Plaintiffs,)	
vs.)	NO. 4:09-cv-00114-TWP-WGH
)	
KIRK B. McCONER,)	
MITSUI SUMITOMO MARINE)	
MANAGEMENT (U.S.A), INC.,)	
)	
Defendants.)	

ENTRY AND ORDER

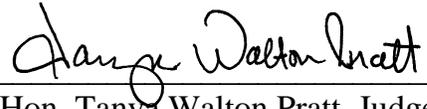
Parties appeared for a final pretrial conference in this matter on October 5, 2010. Plaintiff appears by counsel, Roger L. Pardieck. Defendant, Mitsui Sumitomo Marine Management (U.S.A.), Inc. appears by counsel, Mary Kaye Reeder and Jessica Ann Moland. The parties informed the Court that they will attempt to agree to and submit stipulations of fact prior to trial. The Court reviewed the parties' lists of witnesses to determine who will testify and the subjects of their testimony. The Court reviewed the lists of exhibits and heard argument on the defendant's objection to plaintiff's proposed exhibit 41. The Court heard argument from counsel on the parties' motions in *limine* and made rulings on the record and the plaintiff's "additional" motion in *limine* was taken under advisement. The Court will issue written Orders on all of the motions in *limine*. The Court discussed the *voir dire* procedure and took under advisement the plaintiff's request to conduct 30 minutes of *voir dire* examination. The parties are to provide the Court with their proposed preliminary instructions by October 12, 2010 and the Court will provide its proposed preliminary instructions next week. The Court discussed proposed final instructions with the parties. The Court Reporter was Fred Pratt.

The Court made the following rulings on the record:

- (1). Defendant Mitsui Management's, Motion in Limine (Dkt. 48) is **GRANTED** as per the Court's written order.
- (2). Plaintiffs, Manabu Yoshiike and Takako Yoshiike's Motion in Limine (Dkt. 55) is **GRANTED** in part and **DENIED** in part; as per the Court's written order.
- (3). Plaintiffs, Manabu Yoshiike and Takako Yoshiike's Additional Motion in Limine (Dkt. 77) is **TAKEN UNDER ADVISEMENT** and the Court will issue a written ruling.
- (4). The Court **ORDERS** the parties to confer once rulings are issued on the additional Motions in Limine (Dkt. 55) and the Objection to Exhibit 41. The parties have agreed to make one final attempt at settlement with the Magistrate.
- (5). The Court **TAKES UNDER ADVISEMENT** the Defendant's Motion to Exclude Expert Witness Testimony (Dkt. 80). Plaintiff to file a response by October 12, 2010.
- (6). The Court will seat eight (8) jurors. Each party may use three peremptory strikes.
- (7). Each party is allowed thirty (30) minutes for opening statements and sixty (60) minutes for closing argument. The jury trial is scheduled to last for three (3) days.
- (8). The Jury Trial in this matter remains set for Monday, October 18, 2010, at 9:00 a.m., in Courtroom 344, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Counsel are to arrive at 8:30 a.m. the first day of trial. The Court confirmed that, other than the first day, Court would commence at 9:00 a.m. and run through 4:00 p.m., with two fifteen minute breaks and a lunch hour at approximately 12:00 p.m.

IT IS SO ORDERED.

Date: 10/07/2010

A handwritten signature in black ink, reading "Tanya Walton Pratt". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution to:

Roger L. Pardieck
THE PARDIECK LAW FIRM
rlp@pardiecklaw.com

Mary Kay Reeder
RILEY BENNETT & EGLOFF LLP
mreeder@rbelaw.com