

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CIVIL ACTION NO. 3:14-CV-00491-TBR-LLK**

CERES PROTEIN, LLC, *et al.*,

Plaintiffs/Counterclaim Defendants,

v.

THOMPSON MECHANICAL &
DESIGN, *et al.*,

Defendants/Counterclaimants.

MEMORANDUM OPINION AND ORDER

In anticipation of the approaching trial in this action, Barry and Robert Thompson, along with their Ohio partnership Thompson Mechanical & Design, have moved to sequester any persons listed on Ceres Protein, LLC and Roger Shannon's witness list. For the following reasons, the Thompsons' Motion to Sequester, [R. 184], is **GRANTED IN PART** and **DENIED IN PART**.

Pursuant to Federal Rule of Evidence 615, this Court must, upon a party's request, "order witnesses excluded so that they cannot hear other witnesses' testimony." Fed. R. Evid. 615. Of course, the Rule is subject to a handful of exceptions, such as when the witness is "a party who is a natural person" or "an officer . . . of a party that is not a natural person, after being designated as the party's representative by its attorney." Fed. R. Evid. 615(a)–(b); *see also Roberts ex rel. Johnson v. Galen of Va., Inc.*, 325 F.3d 776, 784 (6th Cir. 2003) (discussing exceptions). Where no exception applies, however, the plain language makes sequestration "a matter of right rather than a matter of judicial discretion." *William L. Comer Family Equity Pure Tr. v. C.I.R.*, 958 F.2d 136, 140 (6th Cir. 1992).


In accordance with the Rule, the Court will sequester those persons listed on Ceres Protein, LLC and Roger Shannon's witness list. [See R. 160 (Witness List).] However, the Court will not sequester Roger Shannon, who is a party to this action. See Fed. R. Evid. 615(a). Likewise, the Court will not sequester Ceres Protein, LLC's designated representative. See Fed. R. Evid. 615(b).

IT IS HEREBY ORDERED that the Thompsons' Motion to Sequester, [R. 184], is **GRANTED IN PART** and **DENIED IN PART**.

IT IS SO ORDERED.

Date: May 11, 2017

cc: Counsel of Record


Thomas B. Russell, Senior Judge
United States District Court