

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MARK JAVERY

CIVIL ACTION

VERSUS

NO: 14-2644

LOCKHEED MARTIN CORPORATION

SECTION: "A" (1)

ORDER AND REASONS

The following motion is before the Court: **Motion in Limine To Exclude Statements Offered by Plaintiff in Support of his Claim for Defamation (Rec. Doc. 76)** filed by defendant Lockheed Martin Corporation. Plaintiff Mark Javery opposes the motion. The motion, submitted on September 21, 2016, is before the Court on the briefs without oral argument.

The factual background of this matter is explained in detail in the Court's April 26, 2016 Order and Reasons granting in part and denying in part Lockheed's motion for summary judgment. (Rec. Doc. 67). In that ruling the Court explained why Lockheed was entitled to summary judgment on Javery's claims for racial discrimination. Noting, however, potential problems with Lockheed's proffered reason for Javery's termination, and further noting that the accusations that Lockheed made against Javery were defamatory per se, the Court denied Lockheed's motion for summary judgment on Javery's defamation claim. That sole remaining claim will proceed to trial before a jury on December 5, 2016.

Lockheed has filed an extensive motion in limine that Plaintiff characterizes as a re-framed motion for summary judgment on issues that the Court has already decided. This characterization mirrors the Court's immediate impression of the motion as well. The Court is not revisiting its prior rulings because those rulings were not made lightly. In limine

proceedings are not intended as a substitute for a trial on the merits. If Lockheed has included a legitimate evidentiary issue to be determined in limine in its most recent motion then its merit was obfuscated by its dispositive arguments.

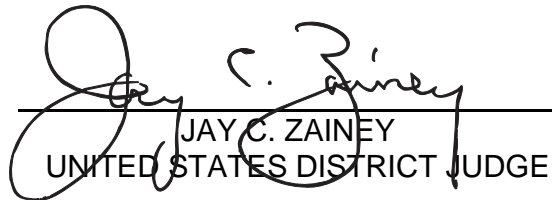
That said, the Court notes that the parties have not participated in a settlement conference with the magistrate judge since the Court issued its ruling on the motion for summary judgment. Both parties' efforts would be much better spent in a good faith effort to resolve this matter amicably.

Accordingly;

IT IS ORDERED that the **Motion in Limine To Exclude Statements Offered by Plaintiff in Support of his Claim for Defamation (Rec. Doc. 76)** filed by defendant Lockheed Martin Corporation is **DENIED**;

IT IS FURTHER ORDERED that counsel for the parties shall immediately contact the assigned magistrate judge for the purpose of scheduling a settlement conference to address the defamation claim, said conference to take place no later than **October 31, 2016**. **No additional motions shall be filed until after the settlement conference concludes.**

September 27, 2016



JAY C. ZAINÉY
UNITED STATES DISTRICT JUDGE