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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

CITY OF ALEXANDRIA

CIVIL ACTION NO. 1:05-cv-1121

-vs-

JUDGE DRELL

CLECO CORPORATION, et al.

MAGISTRATE JUDGE KIRK

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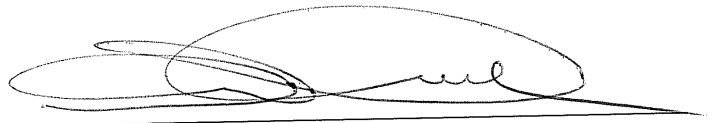
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MEMORANDUM RULING AND ORDER

Before the Court are the motions in limine of the third party defendant and counter-claimants to exclude the testimony of Mr. Trey Gist ("Mr. Gist") and Mrs. Kay Michiels ("Mrs. Michiels"). (Docs. 620, 621, 624). These motions are PARTIALLY GRANTED and PARTIALLY DENIED. Specifically, as Mrs. Michiels was never a counsel of record in this case, the City was under no obligation to turn over her file, and it is otherwise not alleged that her disclosure came too close to trial. Accordingly, her testimony is NOT EXCLUDED. On the other hand, Mr. Gist was and remains counsel of record for the City. Absent circumstances not present here, a party's attorney may not testify on its behalf in a case, so, his testimony is EXCLUDED. Accordingly:

IT IS ORDERED that the motions in limine (Docs. 620, 621, 624) are PARTIALLY GRANTED and PARTIALLY DENIED.

SIGNED on this 24<sup>th</sup> day of June, 2011 at Alexandria, Louisiana.



DEE D. DRELL  
UNITED STATES DISTRICT JUDGE