

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**DANIEL M. SUNDBECK AND  
LUCY SUNDBECK**

**PLAINTIFFS**

**VS.**

**NO. 1:10CV23-A-D**

**MILTON O. SUNDBECK, JR.**

**DEFENDANT**

**ORDER**

Counsel for the Defendant has announced to the Court that Dr. Marianne Barnes will not be tendered as an expert witness at trial. Consequently, Plaintiffs' Motion to Strike the Designation of Dr. Marianne Barnes and Exclude Her Testimony and Request for Oral Argument Pursuant to Local Rule 7(b)(6)(A) [71] is hereby terminated as moot.

SO ORDERED THIS, the 30th day of September, 2011.

**/s/ Sharion Aycock**  
**UNITED STATES DISTRICT JUDGE**