

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

COLE'S TOOL WORKS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:06CV169-P-A

**AMERICAN POWER CONVERSION
CORPORATION**

DEFENDANT

ORDER

This cause is before the Court on American Power Conversion Corporation's Motion in Limine [164]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant seeks the entry of an order which prohibits the plaintiff from mentioning, directly or indirectly, certain matters before the jury panel and/or jury during the trial of this cause. Those matters and the Court's rulings are set forth below as follows:

1. Punitive damages - Granted
2. APC's 2003 Voluntary Recall - The Court reserves ruling; the evidence sought to be excluded may be admissible for certain purposes, e.g., for impeachment and/or rebuttal.
3. Derek Longeway - Denied.
4. Foreign Manufacturer - Denied.
5. Reference to Non-Evidence - Denied.
6. Testimony by Absentee Witness - Granted.
7. Demonstrative Evidence - Granted.

8. Loss of Business Income Claim Beyond May 1, 2006 - Denied.
9. Property Loss Claim - Denied.
10. Other APC Products - The Court reserves ruling; the admissibility of such evidence can only be determined at trial..
11. Subsequent Remedial Measures - Granted, subject to the exceptions enumerated in FRE 407.
12. APC's Net Worth - Granted.
13. Settlement Discussions - Granted.
14. Reference to Motions in Limine - Granted.
15. Prior Claims and/or Suits Against APC - Denied.
16. Golden Rule - Granted.
17. Consequence of Findings Against Plaintiff - Granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that American Power Conversion Corporation's Motion in Limine [164] should be, and hereby is, GRANTED IN PART and DENIED IN PART.

SO ORDERED, this the 10th day of March, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE