

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GREGORY and MICHELLE BAIRD, )  
)  
Plaintiffs, )  
)  
v. )  
)  
DOLGENCORP, L.L.C. and )  
DOLGENCORP, INC., )  
)  
Defendants and, )  
Third Party Plaintiffs, )  
)  
v. )  
)  
LINCOLN COUNTY SHOPPING CENTER, )  
L.L.C., )  
)  
Third Party Defendant. )

No. 4:11 CV 1589 DDN

**MEMORANDUM AND ORDER**

**IT IS HEREBY ORDERED** that the motion of third party Hogan Dedicated Services LLC to quash deposition subpoena (Doc. 146) is sustained, for the reasons set forth in the Order Vacating Deposition filed on February 28, 2013 (Doc. 149).

**IT IS FURTHER ORDERED** that the motion of third party defendant Lincoln County Shopping Center LLC for reconsideration or for clarification of the court’s order of December 4, 2012, (Docs. 121, 123, 124) are sustained. The court has reconsidered the earlier ruling, but after such reconsideration the subject order remains in effect. In that order, the court concluded that Lincoln County Shopping Center had a duty under its lease agreement to maintain the lighting in the area where Gregory Baird’s alleged injury occurred, and that this conclusion did not resolve the allegations of negligence made by Dolgencorp and Lincoln County Shopping Center against each other. The jury will decide, given all the relevant facts, whether either Dolgencorp or Lincoln County Shopping Center, or both, were negligent in failing to provide adequate lighting in the area where Mr. Baird was allegedly injured and whether this negligence caused him injury.

**IT IS FURTHER ORDERED** that the motion of Dolgencorp to strike (Doc. 125) is denied as moot.

/S/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on March 1, 2013.