

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

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|-----------------------|---|-----------------------|
| LAURA ACHTERBERG, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 5:16-CV-06097-DGK |
| |) | |
| ALBAUGH, LLC, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER GRANTING MOTION TO BIFURCATE TRIAL

Now before the Court is Defendants Employer Solutions Staffing Group II, LLC and Labtech Specialty Staffing Company’s Joint Motion to Bifurcate (Doc. 78),¹ Defendant Albaugh LLC’s (“Albaugh”) Joinder in Support (Doc. 80), and Plaintiff’s Response (Doc. 98).

After carefully considering the matter, the Court finds that the best method of ensuring that Plaintiff can present all of her evidence relevant to punitive damages without substantially risking unfair prejudice to Defendants or wasting time during trial is to bifurcate the trial pursuant to Federal Rule of Civil Procedure 42(b).

Accordingly, the Court ORDERS the trial be bifurcated into a liability/compensatory damages phase and a punitive damages phase. Evidence shall not be admissible during the first phase that: (1) is relevant solely to Plaintiff’s punitive damages claim; or (2) is relevant to punitive damages and, to a lesser extent, some fact or issue going to liability/compensatory damages, but whose probative value on the fact or issue going to liability/compensatory damages is outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury or other reasons given in Federal Rule of Evidence 403.

¹ Since filing this motion, Plaintiff filed a notice of settlement with Defendants Employer Solutions Staffing Group II, LLC and Labtech Specialty Staffing Company (Doc. 103).

Further, the Court ORDERS the parties to submit to the Court suggestions on voir dire questions related to bifurcating the trial, no later than December 1, 2017.

IT IS SO ORDERED.

Dated: November 28, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT