

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

R. BRUCE HERSCEND and
DIANNA HERSCEND,

Plaintiffs,

vs.

WILLIAM J. HILL, III and
DEBRA A. HILL,

Defendants.

Case No. 07-3426-CV-S-ODS

ORDER (1) DENYING MOTION TO BIFURCATE AND (2) GRANTING IN PART AND
DENYING IN PART MOTION IN LIMINE

Plaintiffs' Motion to Bifurcate Counter-Plaintiffs' Punitive Damages Claims (Doc. # 115) is denied. Plaintiffs' Motion in Limine (Doc. # 117) contains twelve separate requests. Defendants do not oppose the first ten, accordingly, Plaintiffs' Motion as to the first ten items is granted. Paragraph Eleven (11) of Plaintiffs' Motion in Limine asks the Court to exclude any reference to, or testimony regarding the financial status of Plaintiffs. The Court rules that no evidence of Plaintiffs' personal wealth, including their assets/liabilities, income statements, tax returns, or personal financial statements shall be admitted until the Court decides whether Counter-Plaintiffs' punitive damages claims shall be submitted to the jury. Paragraph Twelve (12) asks the Court to exclude mention of, reference to, or evidence of the punitive damages claims of Counter-Plaintiffs. The Court rules that no such evidence shall be presented unless and until the Court decides whether Counter-Plaintiffs' punitive damages claims shall be submitted to the jury.

IT IS SO ORDERED.

DATE: July 10, 2009

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT