

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:10-CV-165-D


ROSE ACRE FARMS, INC., ET AL., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 VILTER MANUFACTURING, LLC, )  
 )  
 Defendant. )

**ORDER**

Genuine issues of material fact exist concerning plaintiffs’ three claims and the defense of contributory negligence. In addition, on the current record, defendant’s motions to exclude the expert testimony of R. Dean Harris and Brian Boggess are denied without prejudice. Accordingly, the court DENIES defendant’s motion for summary judgment [D.E. 26] and DENIES without prejudice defendant’s motions to exclude the expert testimony of R. Dean Harris [D.E. 28] and Brian Boggess [D.E. 30].

The court orders the parties to engage in mediation. The parties shall complete mediation no later than December 7, 2012, and advise the court of the results. If the case is not resolved, the court will set a trial date.

SO ORDERED. This 13 day of September 2012.

  
JAMES C. DEVER III  
Chief United States District Judge