

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action Number: 7:13-cv-00233-KS

JESSE G. YATES, III, and MELISSA)
YATES,)
)
Plaintiffs,)
)
vs.)
)
STATE FARM FIRE AND CASUALTY)
COMPANY, a *Property & Casualty*)
Domestic Stock insurance company)
incorporated in Illinois and wholly-)
owned by *State Farm Mutual*)
Automobile Insurance Company, an)
Illinois Property & Casualty Domestic)
Mutual insurance company,)
)
Defendant.)

CONSENT ORDER ON MOTIONS IN LIMINE

This matter came on for consideration prior to trial, on Plaintiffs' First and Second Motions in Limine, and on Defendant's Motion in Limine. Pursuant to the consent of the Parties, through Counsel, the Court finds the following:

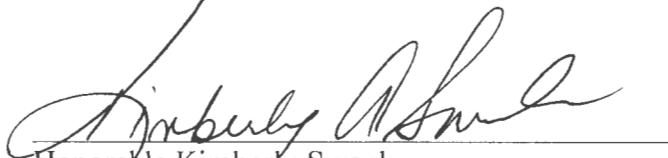
1. As to Plaintiffs' Motion in Limine seeking an order prohibiting Defendant from offering any evidence that any law enforcement or other government personnel harbors any suspicion(s) or other opinion(s) that any Plaintiff played any role in the cause and origin of the subject fire, the Parties have stipulated and agreed that each shall be allowed, pursuant to Rule 701 of the Federal Rules of Evidence, to present testimony from law enforcement and fire officials as to the contents of their reports and their lay opinions associated therewith, provided such testimony is confined to and based solely upon their personal observations made in performance of their duties in responding to, fighting and investigating fires which may be discussed at trial. However, no law

enforcement or fire officials shall be permitted to render opinions as to the identity of the person or persons whom they believe or are otherwise believed to have likely set, or caused to be set, any said fire unless there were arrests made in connection with said fire(s).

2. Both parties have filed Motions in Limine related to incidents of fires in and around Wallace or related to other property owned by Plaintiffs. Pursuant to stipulation of the Parties, through Counsel, evidence of other suspicious or intentionally set fires in and around the Wallace area, as specifically referenced in a Google Earth exhibit previously prepared by Plaintiffs and submitted to Defendant, shall be admissible at the trial of this matter, and further, evidence related to the burning of another of Plaintiff's properties, which fire forms the subject of Plaintiffs' Motion in Limine, shall likewise be admissible in evidence.

The parties having so stipulated, the Court hereby adopts said stipulations as its ruling on said Motions.

So Ordered, this the 30th day of January, 2017.



Honorable Kimberly Swank
United States Magistrate Judge