

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

CASE NO: 7:14-CV-185-BR

ANNJEANETTE GILLIS, et al.,

Plaintiffs,

v.

MEMORANDUM OPINION  
AND ORDER

MURPHY-BROWN, LLC d/b/a  
SMITHFIELD HOG PRODUCTION  
DIVISION,

Defendant.

Pending before the court are a number of motions. The court's rulings follow:

- 1) Defendant's motion in limine to exclude or limit the expert testimony of Dr. Jeffery Tomberlin. (ECF No. 78). By Order entered on October 24, 2018, the court deferred ruling on the motion pending a Daubert hearing. Plaintiffs did not call Dr. Tomberlin as a witness. Therefore, the motion in limine is **DENIED** as moot.
- 2) Defendant's motion in limine to exclude certain photographs and evidence. (ECF No. 103). Insofar as the court excluded the photographs and videos discussed in that motion at trial it was **GRANTED**. The motion was **DENIED** in all other respects, either for reasons placed on the record at trial or as moot because the photographs and videos were never presented.
- 3) Defendant's motion in limine to exclude cumulative and prejudicial notice evidence. (ECF No. 177). Insofar as the court excluded evidence discussed in that motion at trial it was **GRANTED**. The motion was **DENIED** in all other respects, either for reasons placed on the record at trial or as moot because evidence outlined in that motion was never presented.

- 4) Defendant's Motion to Strike Motion to Exclude Evidence Regarding Remedial Measures Implicated by Defendant's by Defendant's October 25, 2018 Press Release, to Strike Fourth Amended Sholar Fact Sheet, and for Sanctions. (ECF No. 222). That motion is **DENIED**.
- 5) Defendant's motion for reconsideration of the court's earlier order granting plaintiffs' motion to exclude late-disclosed witnesses. (ECF No. 243). Defendant rested its case prior to the court's disposition of this motion. Accordingly, it is **DENIED** as moot.
- 6) Defendant's motion requesting use of special verdict form and interrogatories. (ECF No. 268). For reasons placed on the record on December 5, 2018, that motion was **DENIED**.
- 7) Defendant's motion to strike Dr. Rogers' improper testimony and for a curative instruction. (ECF No. 270). For reasons placed on the record on December 5, 2018, that motion was **DENIED**.
- 8) Defendant's Motion to Seal. (ECF No. 271). Because the declaration and affidavit at issue contain juror information not subject to public disclosure, it is **GRANTED**. The public's interest in disclosure is satisfied by the redacted versions of both documents which have been filed as exhibits to the motion to seal.
- 9) Defendant's Motion for Reconsideration of the court's order excluding the expert testimony of Dr. Pam Dalton. (ECF No. 272). Defendant rested its case prior to the court's disposition of this motion. Accordingly, it is **DENIED** as moot.

The Clerk is directed to send copies of this Order to all counsel of record.

**IT IS SO ORDERED** this 6th day of December, 2018.

ENTER:



David A. Faber

Senior United States District Judge