

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MINUTES OF PRETRIAL CONFERENCE

LITTLETON, et al.

CASE NUMBER: 05-4313-CV-C-NKL

v.

DATE: 7/16/07

McNEELY, et al.

HONORABLE Nanette K. Laughrey presiding at Jefferson City, Missouri.

Time Commenced: 3:00 pm

Time Concluded: 4:10 PM

APPEARANCES:

FOR PLAINTIFFS: Eric Jensen & Jerry Reynolds

FOR DEFENDANT: Paul Hasty, Jr. & Mike Brown

FOR THIRD-PARTY DEFENDANT: David Adair

REMARKS:

Pretrial Conference held.

Motions in Limine

1. Plaintiffs' Motion Concerning Boaters' Certification Course [Doc. 169] is granted.
2. Plaintiffs' Motion to Prevent Any Mention or Showing of Certain Photographs [Doc. 170] is granted.
3. Plaintiffs' Motion to Prevent Any Mention of Defendant McNeely Having Any Children [Doc. 171] is granted.
4. Plaintiffs' Motion to Prevent Any Mention of Any Collateral Source Payments for Medical Bills [Doc. 172] is granted.
5. Plaintiffs' Motion to Prevent Any Mention of Any Alleged Criminal Conduct by Plaintiff for Operating a Boat [Doc. 173] is granted.
6. Plaintiffs' Motion to Prevent Any Mention of "Party Cove" [Doc. 174] is granted.
7. Plaintiffs' Motion to Prevent Any Mention of Any Pending State Case Involving McNeely and Lisa Smedley [Doc. 175] is granted.
8. Plaintiffs' Motion to Exclude Any Mention of Blood Alcohol Limits to Operate a Motor Vehicle in Missouri or Elsewhere [Doc. 176] is granted.
9. Plaintiffs' Motion to Preclude Recently Disclosed Photographs and Videotapes Purporting to Show Same or Similar Conditions to the Night of This Accident [Doc. 187]

- is granted.
10. Plaintiffs' Motion Regarding Undisclosed Evidence [Doc. 195] is granted in part.
 - A. Plaintiffs' Motion is granted as to evidence from a witness identified as "R.J." and/or any witness or documentation for the Salty Dog.
 - B. The Court deferred ruling on Plaintiffs' Motion with respect to a tape recording of Plaintiff Gerri Littleton identified as Exhibit D-44.
 - C. Plaintiffs' Motion is granted as to newspaper articles regarding "Party Cove" identified as Exhibit D-40 and D-41.
 - D. Plaintiffs' Motion is granted as to the affidavit from Lake Regional Hospital concerning blood drawn from Plaintiff Michael Littleton identified as Exhibit D-42 and as to witness Kristopher Short.
 11. Defendant's Motion to Exclude Evidence Concerning Emotional Distress by Ms. Littleton [Doc. 177] is denied.
 12. Defendant's Second Motion in Limine [Doc. 179] is granted in part.
 - A. Defendant's Motion to Prevent Any Mention that McNeely fathered a child out of wedlock is granted.
 - B. Defendant's Motion to Prevent Any Mention that McNeely obtained his formal education through private schools or preparatory schools is granted.
 - C. Defendant's Motion to Prevent Any Mention that McNeely's employment is by a corporation in which his mother is a substantial shareholder is granted.
 - D. Defendant's Motion to Prevent Any Mention that McNeely was diagnosed as a child as suffering from A.D.D. and had some emotional counseling is granted.
 - E. Defendant's Motion to Prevent Any Mention of Defendant's belief with regard to the reasons that legal contentions have been made is granted as to legal contentions asserted by counsel.
 - F. Defendant's Motion to Prevent Any Mention that McNeely's step-father is James Butler, Jr., who is an attorney in the offices of McNeely's counsel is denied.

Other Motions

1. Defendant's Motion to Compel Discovery [Doc. 188] is denied.

Notes

1. The parties are directed to arrive in court by 8 a.m. on the morning of trial. Voir Dire will begin at 9 a.m..
2. Plaintiffs and Defendant are allowed 30 minutes each for voir dire. Third-Party Defendant is allowed 15 minutes.
3. The trial is expected to last 3 days, with submission to the jury no later than day four.
4. An 8-member jury will be selected. Each side will have 3 peremptory strikes.
5. Jury instructions are to be filed no later than July 18, 2007.
6. The Court orders Mr. Bower to make debris from the boat available to all counsel at trial.
7. Counsel is to notify the court by 5 p.m. the Friday before trial if the case has settled.

CRD/Court Reporter: Laura Bax/Katie Wirt