


IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

AUG 01 2002

JAMES W. McCORMACK, CLERK  
By:  DEP. CLERK

**THE CITIZENS BANK OF BATESVILLE,  
ARKANSAS, As Special Administrator of  
the Estates of WILLIAM C. PEARROW and  
ROMA S. PEARROW, Deceased**

**PLAINTIFF**

**V.**

**1:01CV00104**

**THE UNITED STATES OF AMERICA  
and JANNIE A. REED**

**DEFENDANTS**

**ORDER**

Pending is Defendant's motion in limine to exclude expert witness (docket # 22).

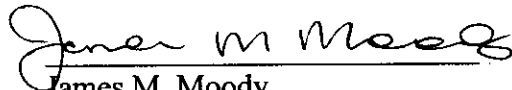
Defendant argues that the testimony of Stan V. Smith, PhD is not admissible as scientific or technical evidence under Revised Rule 702 of the Federal Rules of Evidence; *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 509 U.S. 579 (1993), as clarified by *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999). Plaintiff has responded stating that Dr. Smith is well qualified in the field of economics and has been qualified to give his value of life opinions in over 100 courts throughout the United States.

The Pearrows were killed in a automobile accident on February 1, 2001. Subsequent to the filing of this lawsuit, the Arkansas Wrongful Death Act was amended to allow a decedent's estate to recover for the "decedent's loss of life as an independent element of damages." Ark. Code Ann. §16-62-101(c). On November 9, 2001 this Court allowed Plaintiff to amend it's complaint to assert a claim for "loss of life" damages. Plaintiff seeks to introduce the forensic

economic testimony of Dr. Smith.

This matter is set for a court trial on August 19, 2002. The Court will allow Dr. Smith to testify at that time. Defendant will be allowed to test Dr. Smith's methodology and opinions through cross-examination. The Court will determine at that time the admissibility of or the weight to give the testimony of Dr. Smith. Accordingly, Defendant's motion in limine is denied.

IT IS SO ORDERED this 1 day of August, 2002.



James M. Moody

United States District Judge

THIS DOCUMENT ENTERED ON  
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WITH RULE 58 AND/OR 79(a) FRCP  
ON 8/2/02 BY mt

F I L E C O P Y

bt

UNITED STATES DISTRICT COURT  
Eastern District of Arkansas  
U.S. Court House  
600 West Capitol, Suite 402  
Little Rock, Arkansas 72201-3325

August 2, 2002

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 1:01-cv-00104.

True and correct copies of the attached were mailed by the clerk to the following:

E. Fletcher Jackson, Esq.  
U. S. Attorney's Office  
Eastern District of Arkansas  
425 West Capitol Avenue, Suite 500  
Post Office Box 1229  
Little Rock, AR 72203-1229

Thomas Linn Garner, Esq.  
Attorney at Law  
Post Office Box 10  
Glencoe, AR 72539-0010

Joseph Scott Davidson, Esq.  
Attorney at Law  
Post Office Box 4046  
Batesville, AR 72503-4046

press

James W. McCormack, Clerk

Date: 8/2/02  
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BY: \_\_\_\_\_