

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARGARET LONG,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 1:09-cv-592-GZS
)	
FAIRBANK FARMS)	
RECONSTRUCTION CORP.,)	
)	
Defendant & Third-Party)	
Plaintiff,)	
)	
v.)	
)	
GREATER OMAHA PACKING)	
COMPANY, INC.,)	
)	
Third-Party Defendant.)	

ORDER ON MOTION IN LIMINE

RE: BPI Processing Facilities

Before the Court is Third-Party Plaintiff Fairbank Farms Reconstruction Corp.’s (“Fairbank’s”) Motion in Limine to Exclude Evidence Relating to Any Beef Products Inc. Processing Facilities Which Did Not Supply Beef Trim to Fairbank (Docket #318). The Motion is hereby DENIED WITHOUT PREJUDICE to Fairbank reasserting any of these objections at the appropriate time during trial.

Beef Products Inc. (“BPI”) was one of the companies that supplied product that Fairbank incorporated into the ground beef purchased and consumed by the plaintiffs. Fairbank asserts that although BPI has several beef packaging facilities, only one BPI facility—in South Sioux City, Nebraska—supplied the product purchased and consumed by plaintiffs. Fairbank seeks to exclude evidence relating to other BPI facilities. GOPAC, in response, contends that Fairbank received product from two BPI facilities and presents evidence that product sanitation and testing practices across BPI facilities are generic to BPI products across its facilities and are not specific to one particular plant.

At trial, the Court will allow GOPAC to present BPI evidence to the extent that evidence is relevant to the contested source issue. Thus, GOPAC will be required to tie its BPI evidence to the BPI products that were allegedly incorporated into the ground beef in question. To the extent that Fairbank believes any evidence falls outside this area of relevance or is otherwise subject to exclusion, it is free to renew its objections at trial.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 25th day of November, 2011.

Plaintiff

MARGARET LONG
TERMINATED: 03/11/2011

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V.

Defendant

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Defendant

**FAIRBANK RECONSTRUCTION
CORP**
TERMINATED: 03/11/2011
doing business as
FAIRBANK FARMS
TERMINATED: 03/11/2011

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Defendant

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ThirdParty Plaintiff

FAIRBANK FARMS INC
TERMINATED: 08/15/2011

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