

**In the United States Court of Federal Claims**

PRECISION PINE & TIMBER, INC.,	)	
	)	
<u>Plaintiff</u>	)	No. 98-720 C
v.	)	
	)	Filed April 29, 2005
THE UNITED STATES,	)	
	)	
<u>Defendant.</u>	)	
	)	

ORDER

On April 18, 2005, defendant filed a Motion *in Limine* to Exclude Testimony From Martin Devere Regarding the Appropriateness of a 1.25 Overrun Factor, document 313. Plaintiff filed a response to defendant's motion on April 28, 2005, document 330. Defendant's motion is GRANTED in part and DENIED in part. Mr. Devere will be permitted to testify regarding the appropriateness of a 1.25 overrun factor based on his visit to Precision Pine's sawmill, conversations with Mr. Porter about that mill and Precision Pine's other mills, the logs used by Precision Pine in the mid-1990s as well as Mr. Devere's years of experience with ponderosa pine sawmills in the Southwest, including the determination of overrun factors with respect to those mills. The Court will not permit testimony regarding the Beck study, nor testimony regarding conclusions based on the Beck study.

IT IS SO ORDERED.

s/ George W. Miller  
GEORGE W. MILLER  
Judge