

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI

Vaughn Kelly, Sr. v. Kroger Limited Partnership I, CAC Operations
LLC, and Nolan Booth

Kelly · No. 3:24-cv-11-MPM-JMV · Decided June 11, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi addresses objections in the pretrial order, including blanket objections to exhibits and challenges to witnesses allegedly not disclosed during discovery. The court discusses the handling of discovery-related objections, incomplete motions in limine, and the admissibility of evidence concerning CAC Operations LLC’s prior and subsequent business practices under Federal Rule of Evidence 404(b). The court states its current inclination regarding limiting instructions and the relevance of extrinsic acts to the plaintiff’s claims against CAC and Kroger.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi
WRITING FOR THE COURT	Michael P. Mills
JURISDICTION	United States District Court for the Northern District of Mississippi
DECIDED	June 11, 2026
DOCKET	3:24-cv-11-MPM-JMV
DISPOSITION	other
PROCEDURAL POSTURE	The district court, acting on its own motion, issued a pretrial order addressing defendants' objections in the pretrial order, anticipated evidentiary disputes, witness-disclosure objections, and the treatment of evidence concerning CAC's business practices.
STANDARD OF REVIEW	The court stated that evidentiary rulings under Federal Rule of Evidence 404(b) are reviewed for abuse of discretion, with heightened review in criminal cases; no appellate standard of review governed the court's own pretrial rulings.
PRECEDENTIAL VALUE	Unknown; district court pretrial order
PARTIES	Vaughn Kelly, Sr. v. Kroger Limited Partnership I, CAC Operations LLC, Nolan Booth

TOPICS

evidence

relevance

character evidence

motion in limine

civil procedure

PRACTICE AREAS

civil procedure

evidence

torts

commercial litigation

QUESTIONS PRESENTED

1. Whether defendants' blanket objections to plaintiff's proposed exhibits and witnesses should be resolved at trial or through pretrial proceedings.
2. Whether Kroger was entitled to raise at trial evidentiary issues concerning exhibits omitted from its motion in limine.
3. Whether evidence of CAC's prior or subsequent similar acts could be admissible under Federal Rules of Evidence 404(b) and 403 for purposes other than proving character.
4. Whether the court should limit plaintiff's presentation of evidence concerning CAC's business practices and provide limiting instructions concerning the uses of that evidence.

HOLDINGS

1. Objections to witnesses based on alleged nondisclosure during discovery should ordinarily be addressed in a pretrial motion rather than for the first time at trial, particularly where the magistrate judge supervised or was more familiar with the discovery process.
2. A party that knowingly submits an incomplete motion in limine and fails to notify the court or seek additional time is not entitled to an entirely clean slate to raise the omitted issues at trial.
3. Evidence of subsequent similar acts may be relevant and admissible under Federal Rule of Evidence 404(b) for a non-character purpose, subject to the Rule 403 balancing requirement.
4. The court may permit evidence of CAC's extrinsic acts for limited purposes, including determining CAC's intent or malice and whether Kroger knew or should have known of CAC's alleged misconduct, while prohibiting its use to determine what occurred in the underlying altercation.

KEY QUOTATIONS

"That is why these issues are normally handled in pretrial motions and not at trial." (Order)

"The fact that the uncharged crime occurred after rather than before the charged crime does not affect its admissibility." (Order)

"The evidence of Peterson's future conduct would not be admissible to prove his conduct at ALL." (Order)

"Once the jury concluded that Peterson committed the conduct at issue, however, they could consider evidence of similar subsequent conduct (relatively closely linked in time), and evidence of his intent on that subsequent occasion, to draw inferences about the intent underlying his conduct at ALL." (Order)

FACTUAL BACKGROUND

Plaintiff's claims arise from an altercation involving plaintiff and a defendant's driver and include a malicious-prosecution claim against CAC and claims against Kroger relating to alleged failure to conduct due diligence before entering an exclusive business relationship with CAC. Plaintiff sought to introduce evidence concerning CAC's towing-business practices, including prior prosecutions and administrative actions in three states. The court also considered the timing and relevance of subsequent alleged bad acts by CAC and the extensive objections to plaintiff's exhibits and witnesses.

PROCEDURAL HISTORY

The case was pending for trial in the Northern District of Mississippi. Defendants listed extensive objections to plaintiff's proposed exhibits and witnesses, and Kroger had previously filed an incomplete motion in limine and later sought reconsideration. The court addressed the issues before trial and noted that Magistrate Judge Virden would conduct a hearing concerning discovery-related witness objections.

DISPOSITION

other

CASES CITED

- United States v. Beechum, 582 F.2d 898, 911 (5th Cir. 1978) (en banc), cert. denied, 440 U.S. 920 (1979)
- United States v. Myers, 550 F.2d 1036, 1044 n. 10 (5th Cir. 1977)
- United States v. Webb, 625 F.2d 709, 710 (5th Cir. 1980)
- United States v. Dunbar, 614 F.2d 39, 42 (5th Cir. 1980)
- United States v. Peterson, 244 F.3d 385, 392-93 (5th Cir. 1982)
- Richards, 204 F.3d at 199
- United States v. Catano, 553 F.2d 497, 499-500 (5th Cir. 1977)
- Roe v. United States, 316 F.2d 617, 623 (5th Cir. 1963)
- United States v. Pollard, 509 F.2d 601, 604 (5th Cir. 1975), cert. denied, 421 U.S. 1013 (1975)
- United States v. Herman, 423 U.S. 845 (1975)
- United States v. Alston, 460 F.2d 48, 55 (5th Cir. 1972), cert. denied, 409 U.S. 871 (1972)

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