

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BOBBIE SMITH

CIVIL ACTION

VERSUS

NO. 08-5169

IDEAL INDUSTRIES, INC.

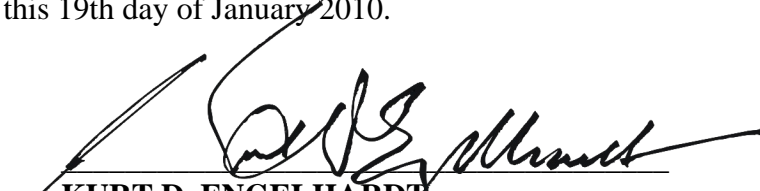
SECTION "N" (4)

ORDER AND REASONS

Before the Court is the Motion in Limine to Exclude the Expert Report and to Strike the Testimony of the Defendant's Expert, Michael J. Frenzel (Rec. Doc. 66), filed by Plaintiff, Bobbie Smith. This motion is opposed (See Rec. Doc. 70). After considering the memoranda of the parties and the applicable law,

IT IS ORDERED that the **Motion in Limine to Exclude the Expert Report and to Strike the Testimony of the Defendant's Expert, Michael J. Frenzel (Rec. Doc. 66) is GRANTED IN PART AND DENIED IN PART.** While the Court concludes that the majority of Frenzel's report and testimony relating thereto shall be admitted (i.e., relating to, inter alia, safety provisions and how such provisions were violated), the Court will not allow evidence and testimony speculating as to alternative scenarios or alternative causes for Plaintiff's accident.

New Orleans, Louisiana, this 19th day of January 2010.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE