

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**GLENN BELLE**

**CIVIL ACTION**

**VERSUS**

**NO: 09-2757**

**NEW ORLEANS PUBLIC BELT RAILROAD  
COMMISSION**

**SECTION: "C" (2)**

**ORDER AND REASONS**

Before the Court are two Motions in Limine by defendant New Orleans Public Belt Railroad Commission. (Rec. Doc. 13). The motions are before the Court on the briefs without oral argument. After reviewing the memoranda of the parties, the record in the case, and the applicable law, the Court GRANTS the motions as set forth below.

**Motion in Limine No. 1**

New Orleans Public Belt Railroad Commission ("the Commission") moves to exclude NOPB 214-18, Federal Railroad Administration ("FRA") reports filed by the Commission in connection with Belle's alleged injury. In support, it cites 49 U.S.C § 20901 which reads: "No part of an accident or incident report filed by a railroad carrier under section 20901 of this title or made by the Secretary of Transportation under section 20902 of this title may be used in a civil action for damages resulting from a matter mentioned in the report." In light of the controlling statute, the Court GRANTS the motion. Facts contained in the report remain admissible if established through independent sources.


Motion in Limine No. 2

The Commission also moves to exclude NOPB No. 283 (Notice No. 37). They move to exclude it as evidence of a subsequent remedial measure under FRE 407 and as more prejudicial than probative under FRE 403. Belle concedes that the notice is a subsequent remedial measure. (Rec. Doc. 18).

Accordingly,

IT IS ORDERED that defendant's Motions in Limine (Rec. Doc. 13) are GRANTED.

New Orleans, Louisiana, this 13th day of January, 2010.

  
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**HELEN G. BERRIGAN**  
**UNITED STATES DISTRICT JUDGE**