

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

COLONY INSURANCE COMPANY,)
as subrogee for Regeneration, LLC and)
Roy Granger,)

Plaintiff,)

v.)

CASE NO. 3:14-cv-1051-WHA-TFM

AL & SONS CORP. and)
AL MITCHELL,)

(WO)

Defendants.)

MEMORANDUM OPINION AND ORDER

This cause is before the court on the Defendants’ Objections to Specific Exhibits Designated by Plaintiff (Doc. #41). The Defendants object to exhibits listed by the Plaintiff as Exhibits 1, 2, 3, 4, 5, and 6. Exhibits 2-6 are affidavits and Exhibit 1 is an Agreement between Regeneration, LLC and Al & Sons. The Defendants object to the admission of affidavits and to the admission of Plaintiff’s Exhibit 1 on the ground that it contains insurance information.

In response to the objections, the Plaintiff states that three of the affiants are on the Plaintiff’s witness list and the affidavits can be used to impeach those witnesses. The Plaintiff also states that the affidavits could be admissible if offered for a purpose other than to prove the truth of the matter asserted. Finally, the Plaintiff states that as to Exhibit 1, the Plaintiff stipulates to the redaction of insurance information.

Accordingly, it is hereby ORDERED as follows:

1. The Defendants’ Objections to Specific Exhibits are SUSTAINED as to Plaintiff’s Exhibits 2-6 to the extent that those exhibits will not be admitted without the Plaintiff laying a proper foundation for admission outside of the presence of the jury. The

exhibits may be used for impeachment in accordance with the Federal Rules of Evidence.

2. The Defendants' Objections are SUSTAINED as to Plaintiff's Exhibit 1 to the extent that insurance information is ORDERED redacted from that exhibit.

Done this 27th day of October, 2015.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE