

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

KATHERINE DAVIS,
Guardian for Carla Lewis

PLAINTIFF

v.

No. 4:13-cv-589-DPM

OLD DOMINION FREIGHT LINE
and MELVIN HOWZE

DEFENDANTS

ORDER

Plaintiff's motion for the jury to view the Durango during trial, *No. 107*, is denied. First, there seem to be plenty of accident-contemporaneous photographs of this SUV. There's been an insufficient showing that the thing itself is essential and unique in some way. Second, the case is about why the accident happened, not the particulars of the vehicle damage. No one disputes that the accident totaled Lewis's Durango. Third, we have limited trial time; and views must be handled carefully, not hurriedly. Looking at the vehicle would spend scarce minutes on cumulative proof. Fourth, the danger of unfair prejudice substantially outweighs the probative value of a view. FED. R. EVID. 403. Displaying the SUV itself gives undue prominence to one piece of evidence. And it risks a verdict based on a passionate response to the mangled Durango.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

4 January 2016