

EXHIBIT Y

LEXSEE



Analysis

As of: Aug 04, 2010

WILLIAM NOAH POWELL v. HOUSTON HELICOPTERS, INC.

CIVIL ACTION No. 90-3070 SECTION "I"(6)

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

1992 U.S. Dist. LEXIS 1052

**January 22, 1992, Decided
January 23, 1992, Filed; January 24, 1992, Entered**

CORE TERMS: helicopter, expert testimony, trier of fact, offshore, deck

JUDGES: [*1] MENTZ

OPINION BY: MENTZ

OPINION

MENTZ, J.

Before the Court is the Motion to Prohibit Certain Expert Testimony, filed by the defendant, Houston Helicopters, Inc. ("Houston Helicopters"). Houston Helicopters seeks to exclude the testimony of plaintiff's offshore helicopter operations expert. After reviewing the motion, memoranda of counsel, the record, and the law, the Court denies the motion.

[Rule 702 of the Federal Rules of Evidence](#) provides where an expert's "specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue," expert testimony is appropriate. Offshore helicopter operations and the responsibilities of helicopter pilots are not within the ordinary knowledge and experience of lay people. Thus, the Court finds that this is a case in which expert testimony may assist the trier of fact.

This case is distinguishable from [Peters v. Five Star Marine Service](#), 898 F.2d 448 (5th Cir. 1990). In *Peters*, the Fifth Circuit upheld Judge Duplantier's ruling that expert testimony was unnecessary to assist the trier of fact in understanding the dangers that may result when offloading a vessel in high seas, with diesel fuel spilled [*2] on the deck, or with improperly stowed equipment rolling about the deck. *Id.* at 450. The Court in its discretion finds that offshore helicopter operations, unlike the facts that waves may be dangerous or oil slippery, are sufficiently unfamiliar to an ordinary factfinder that expert testimony is warranted.

The parties are reminded, however, that the testimony of any expert is limited to the contents of the expert's report and any deposition of the expert.

Accordingly,

IT IS ORDERED that (1) the Motion to Prohibit Certain Expert Testimony, filed by the defendant, Houston Helicopters, Inc. is **DENIED**; and

(2) the hearing on this motion set for January 29, 1992 is **CANCELED**.

Clerk to serve all counsel.