

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-01126-RPM

EMILY BACHMEIER,

Plaintiff,

v.

TIRE DISTRIBUTION SYSTEMS, INC.,

Defendant.

ORDER ON MOTION IN LIMINE

On May 19, 2010, the plaintiff filed a motion in limine to preclude evidence that the decedent was not wearing a seatbelt. The defendant responded. As briefed, the parties are concerned with the scope of the language of C.R.S. § 42-4-237 (7), a subsection of a statutory requirement for wearing seatbelts. This issue will be discussed at the pretrial conference to be held on August 6, 2010 at 2:00 p.m.. Preliminary, it is the Court's understanding that Mr. Bachmeier was killed in a highway accident which occurred near Kimball, Nebraska. Accordingly, the Colorado seatbelt statute would not normally be applicable under choice of law principles regarding the operations of motor vehicles in another state. In the absence of some showing of Nebraska law regarding seatbelts, the Court is inclined to view the question of failure to wear a seatbelt as a factor with respect to causation of death and therefor admissible if the evidence supports the relevance of that fact. It is

ORDERED that counsel should be prepared to discuss this matter at the pretrial conference.

Dated: June 25th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge