

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ERIK LJUNGGREN,

Plaintiff,

v.

METRO-NORTH COMMUTER RAILROAD
COMPANY,

Defendant.

Civil No. 3:13cv749 (JBA)

December 1, 2015

RULING ON MOTION IN LIMINE

Defendant Metro-North Commuter Railroad Company (“Metro-North”) moves [Doc. # 399] to “preclude as irrelevant, prejudicial, inadmissible and not helpful to the jury, any evidence argument [sic] or evidence from the plaintiff as to a claim for lost wages from the period May 17, 2013 until July 1, 2014,” on the grounds that “the defendant continued to pay [Plaintiff Erik] Ljunggren his regular wages after the accident until July 1, 2014.” Plaintiff opposes, arguing that he should be permitted to “introduce his total wage loss from May 17, 2013 through September 8, 2014, and then have the Court set off the amount Metro North voluntarily gave to the plaintiff following his injury from any award for past wage loss.” (Opp’n [Doc. # 417] at 2.) Plaintiff’s argument is two-fold: (1) the payments he received from Metro-North did not include the value of sick days and vacation rights, and as such, are not “wages”; and (2) if Plaintiff is not permitted to introduce evidence of his wage loss from May 17, 2013 to July 1, 2014, jurors will think that he had no incentive to return to work, and they may therefore infer that he was not as injured as he claims.

Upon consideration, the Court is persuaded that evidence of Plaintiff’s entire wage loss is relevant for some of the reasons Plaintiff cites, and the probative value of this

evidence is not substantially outweighed by the danger of unfair prejudice. Accordingly, Defendant's Motion [Doc. # 399] in Limine is DENIED. Plaintiff may introduce evidence of his wage loss from May 17, 2013 to July 1, 2014, and following the jury verdict, the Court will offset any award for lost wages by the value of Metro-North's payments to Plaintiff. Jurors will be instructed that it will be the Court's not the jury's responsibility to reduce any economic damages awarded by any amount paid by Metro-North.

IT IS SO ORDERED.

/s/

Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 1st day of December, 2015.