

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JERALD McCULLOUGH

CIVIL ACTION

VERSUS

NO. 09-6359

THE INSURANCE COMPANY
OF THE STATE OF PENNSYLVANIA, ET AL.

SECTION "N" (4)

ORDER AND REASONS

Before the Court is the Motion in Limine (Rec. Doc. 24), filed by Plaintiff Jerald McCullough. In this motion, Plaintiff seeks to exclude evidence/references to: (1) his past use of marijuana, (2) his discharge from the military¹, and (3) his Myspace online profile website. This motion is opposed. (See Rec. Doc. 25). After considering the memoranda of the parties, the exhibits attached thereto, and the applicable law,

IT IS ORDERED that, for substantially the same reasons stated by Defendants in their Opposition (See Rec. Doc. 25), the **Motion in Limine (Rec. Doc. 24)** is **DENIED**. Specifically, this evidence is relevant to the issue of Plaintiff's credibility and to Plaintiff's lost earnings claim. The probative value of this evidence is not substantially outweighed by danger of unfair prejudice.

New Orleans, Louisiana, this 4th day of October, 2010.



KURT D. ENGELHARDT
United States District Judge

¹ Defendants agree to refrain from referencing Plaintiff's military discharge (See Rec. Doc. 25, p. 1); thus, that portion of Plaintiff's motion is denied as moot.