

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 Defendants' Motion to Exclude Plaintiff's Demonstrative Exhibit (Rec. Doc. 43). In this motion, Defendants request that this Court exclude the demonstrative exhibit used in the trial deposition of Plaintiff's doctor, Dr. Jeff Buchalter. This motion is opposed. (See Rec. Doc. 45). After considering the memoranda of the parties, the exhibits attached thereto, and the applicable law,

IT IS ORDERED that **Defendants' Motion to Exclude Plaintiff's Demonstrative Exhibit (Rec. Doc. 43)** is **DENIED**. Notably, in his deposition, Dr. Buchalter confirms that these illustrations fairly depict the pathology described in the reports from the radiologist. He specifically states that what is depicted in the exhibit is a fair representation of what is meant by the reports from the radiologist in the description of the pathology. (See Exhibit C to Rec. Doc. 43, p. 67). Thus, this exhibit will be allowed.

New Orleans, Louisiana, this 14th day of October, 2010



KURT D. ENGELHARDT
United States District Judge