

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANAOFFSHORE MARINE CONTRACTORS,
INC.

CIVIL ACTION

VERSUS

NO: 10-4151

PALM ENERGY OFFSHORE, L.L.C.
ET AL.

SECTION: R

ORDER

Plaintiff Offshore Marine Contractors, Inc. moves to exclude the evidence of Chet Morrison Well Services, LLC and Chet Morrison Contractors, LLC (collectively "Chet Morrison") on the ground that Chet Morrison failed to comply with the Court's pretrial notice.¹ On January 17, 2013, the Court issued a notice setting forth the dates by which motions must be filed.² The notice set a pre-trial conference for May 30, 2013 and stated that the parties should meet at least ten days before the date of the pre-trial conference to arrive at stipulations and exchange evidence.³ The Court's order also stated that it would not permit exhibits to be used unless the parties complied with the order or demonstrated good cause for failure to do so.⁴

¹ R. Doc. 201.

² R. Doc. 139.

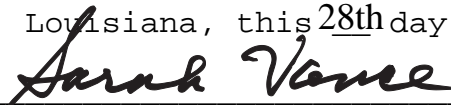
³ *Id.* at 3; R. Doc. 139-1 at 1-2.

⁴ R. Doc. 139 at 2.

Plaintiff argues that by the close of business on May 20, 2013, Chet Morrison had failed to produce copies of the documents it intends to offer into evidence at trial, despite the conference held among the parties on May 16, 2013 to exchange evidence. Both plaintiff and Chet Morrison blame the other party for failing to comply with an agreement reached as to how exhibits would be shared among the multiple parties involved in the suit. The Court need not concern itself with the arrangement among the parties, for Chet Morrison puts forth evidence that it provided its exhibits to plaintiff by 6:15 p.m. on May 20, 2013, one-half hour *before* this motion to exclude evidence was filed.⁵ Thus, Chet Morrison provided its exhibits to plaintiff ten days before the date of the pre-trial conference, and the Court does not find that the failure to exchange exhibits at the in-person conference warrants sanctions under Federal Rule of Civil Procedure 16(f) or exclusion of Chet Morrison's trial exhibits.

Accordingly, the Court DENIES plaintiff's motion. The Court notes that the parties have grown increasingly combative over the course of litigation and instructs all parties to refrain from filing meritless motions aimed at gamesmanship rather than proper representation.

New Orleans, Louisiana, this 28th day of May, 2013.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

⁵ R. Docs. 205-2, 205-3.