

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**ROQUE ALDANA**

**versus**

**MAYBELLE SHIPPING, LLC, ET AL.**

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**CIVIL ACTION**

**No. 13-553  
c/w 13-4917**

**SECTION "L" (4)**

**ORDER & REASONS**

Plaintiff and claimant, Roque Aldana; claimant, American Longshore Mutual Association; and defendants and petitioners-in-limitation, Maybelle Shipping, LLC and Catlin Insurance Co., Inc., filed a Joint Motion to Strike Jury Demand and Bifurcate Trial. (Rec. Doc. 48). The parties argue that bifurcation is appropriate because the Plaintiff has not reached maximum medical improvement, and resolution of liability could therefore avoid the need for expensive and cumbersome medical discovery and testimony at trial. (Rec. Doc. 48 at 1-2).

Federal Rule of Civil Procedure 42(b) provides: "For convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims. When ordering a separate trial, the court must preserve any federal right to a jury trial." Fed. R. Civ. P. 42(b). In their joint motion, the parties request that this matter proceed as a bench trial, so a jury trial is not an issue. "A court may separate issues if (1) it would avoid prejudice, (2) it would be convenient to do so, or (3) it would be economical or would expedite the litigation to do so." *Laitram Corp. v. Hewlett-Packard Company*, 791 F. Supp. 113, 115 (E.D. La. 1992). Here, bifurcation is appropriate because the Court can easily separate the liability and Limitation phases from the damages phase

of trial. Furthermore, bifurcation serves judicial efficiency because the parties could avoid expensive medical discovery and testimony at trial.

**IT IS ORDERED** that the parties' Joint Motion (Rec. Doc. 48) is **GRANTED** and Maybelle Shipping, LLC's jury demand is stricken pursuant to Fed. R. Civ. Proc. 39(a). The matter will proceed as a bifurcated bench trial, with the issues of liability and Limitation tried separately from damages.

New Orleans, Louisiana, this 19<sup>th</sup> day of February, 2015.

  
UNITED STATES DISTRICT JUDGE