

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

WILBERT DION

CIVIL ACTION

VERSUS

NO: 13-5222

LOW LAND CONSTRUCTION CO., INC.

SECTION: "N" (3)

ORDER AND REASONS

Presently before the Court are three motions in limine (Rec. Docs. 28, 29, and 41).

The Court rules on the motions as stated herein.

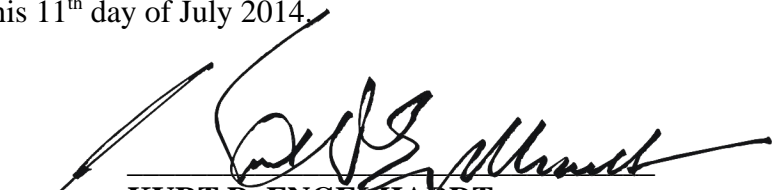
IT IS ORDERED that the "Motion in Limine to Exclude Testimony Regarding Electric Winches or Any Other Variation of Cheater Pipe Not Aboard the LOW LAND 10" (Rec. Doc. 28) is **GRANTED** for essentially the reasons stated by Defendant in the original and reply memorandum (Rec. Docs. 28-1 and 38) submitted in support of its motion.

IT IS ORDERED that the "Motion in Limine to Exclude Evidence Regarding Subsequent Remedial Measures" (Rec. Doc. 29) is **GRANTED** for essentially the reasons stated by Defendant in the original and reply memorandum (Rec. Docs. 29-1 and 40) submitted in support of its motion.

IT IS ORDERED that, on the present showing made, the "Supplemental Motion in Limine to Exclude the Testimony and Opinions of Captain James P. Jamison" (Rec. Doc. 41) is **DENIED** to the extent that Defendant seeks to exclude Captain Jamison from offering any expert testimony. Nevertheless, Plaintiff will be required to establish a proper factual foundation for that testimony to be allowed at trial. Further, Captain Jamison will be permitted to testify only regarding

the operation of the type of winch and "cheater pipe" actually being used by Plaintiff at the time of the incident at issue here.

New Orleans, Louisiana, this 11th day of July 2014.



KURT D. ENGELHARDT
United States District Judge