

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

THOMAS FICK ET AL.
Plaintiffs

CIVIL ACTION

VERSUS

No. 13-6608

EXXON MOBIL CORPORATION,
Defendant

SECTION “E”

ORDER AND REASONS

Before the Court is Plaintiffs’ motion *in limine* to exclude evidence as to any and all criminal arrests or convictions of Plaintiffs Thomas Fick and Antoine Gregoire.¹

This is a personal injury case. Plaintiffs Thomas Fick and Antoine Gregoire² (collectively, “Plaintiffs”) allege that, while shrimping in Bayou Jean La Croix Field in Terrebonne Parish, Louisiana, on October 23, 2013, Fick was operating a Carolina Skiff boat in a navigable waterway when the boat struck a “pipe to the well owned by Exxon.”³ Fick and Gregoire allege they sustained severe injuries as a result of the allision.⁴ On December 9, 2013, Fick filed this suit against Exxon Mobil Corporation (“Defendant”).⁵ Plaintiffs allege that Defendant was negligent and seek compensatory and punitive damages under the general maritime law.⁶

¹ R. Doc. 282.

² Plaintiff Antoine Gregoire was named in the Third Amended Complaint. R. Doc. 38.

³ R. Doc. 1 at ¶ IV; R. Doc. 64-17 at 2; R. Doc. 69 at 2.

⁴ *Id.*

⁵ R. Doc. 1. The Amended Complaint, filed June 17, 2014, named Gulf South Pipeline Company, L.P. (“Gulf South”) as an additional defendant. R. Doc. 10. Plaintiffs filed a motion to dismiss Gulf South, however, on March 12, 2015, which the Court granted. R. Docs. 33, 36.

⁶ R. Doc. 1 at ¶¶ V–VII; R. Doc. 38.

On December 22, 2016, Plaintiffs filed this motion *in limine* to exclude the evidence of any criminal arrests or convictions of Plaintiffs Thomas Fick and Antoine Gregoire.⁷ Exxon did not file an opposition.

Plaintiffs argue evidence related to either of their prior arrests or convictions is inadmissible because it is (1) irrelevant under Federal Rule of Evidence 401, (2) is more prejudicial than probative under Rule 403, (3) is inadmissible evidence to demonstrate a person's character under Rule 404(b), and (4) is inadmissible under Rule 609 because more than ten years have passed since each arrest or conviction.⁸

Neither party has included an exhibit in the bench books nor the pre-trial order with respect to criminal arrests or convictions of either Plaintiff. Further, Exxon has not opposed Plaintiffs' motion *in limine*.

CONCLUSION

IT IS ORDERED that Plaintiffs' motion to exclude the past arrests or convictions of Plaintiffs Thomas Fick and Antoine Gregoire is **GRANTED AS UNOPPOSED**.

New Orleans, Louisiana, this 4th day of January, 2017.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁷ R. Doc. 282.

⁸ R. Doc. 282-1 at 1.