

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MEGAN D. PHELPS, ETC.

CIVIL ACTION

VERSUS

NO. 13-6685
c/w 13-6686

DAIMLER TRUCKS NORTH AMERICA, LLC
D/B/A FREIGHTLINER, LLC

SECTION "N" (5)

ORDER AND REASONS


Before the Court is the "Motion *in Limine* to Exclude Any Evidence and/or Reference to Marijuana/THC Results for Ronald Phelps" filed by defendants CRST Expedited, Inc. and CRST International, Inc. (referred to herein collectively as "CRST") (Rec. Doc. 162). The motion is opposed by defendant Daimler Trucks North America, LLC ("DTNA") (Rec. Doc. 173). A Reply Memorandum was filed by movants CRST (Rec. Doc. 193).

In this motion, defendants CRST moved to exclude any evidence regarding marijuana/THC pertinent to the driver of the vehicle, Ronald Phelps, maintaining that Mr. Phelps, a CRST Expedited, Inc. employee, "simply veered off of the roadway", arguing such a statement is sufficient. Nonetheless, the Court agrees with defendant DTNA, in that comparative fault will be an issue at

trial, thus placing at issue the cause of the subject accident. The case law cited by both CRST and DTNA do not dictate the exclusion of such evidence under these circumstances; and admission of it is not significantly prejudicial to warrant exclusion otherwise.

Therefore, the "Motion *in Limine* to Exclude Any Evidence and/or Reference to Marijuana/THC Results for Ronald Phelps" is **DENIED**.

New Orleans, Louisiana, this 12th day of June 2015.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE