

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

DONALD W. COVINGTON, JR.

CIVIL ACTION

VERSUS

NO. 16-12316

NOBLE DRILLING U.S. LLC

SECTION A(2)

**ORDER AND REASONS**

The following motion is before the Court: **Motion in Limine (Rec. Doc. 28)** filed by Defendant, Noble Drilling. Plaintiff, Donald W. Covington, Jr., opposes the motion. The motion, submitted to the Court on May 3, 2017, is before the Court on the briefs without oral argument.

This action arises out of a September 17, 2015 incident aboard Defendant's vessel the M/V PAUL ROMANO. Plaintiff was working aboard the vessel on navigable waters when he allegedly injured his shoulder while repairing a light fixture. Plaintiff alleges significant personal injuries as a result of the incident. Plaintiff has sued Defendant herein under the Jones Act and general maritime law (unseaworthiness).

The pretrial conference is scheduled for May 18, 2017, and a four-day jury trial is scheduled to commence on June 12, 2017 (Rec. Doc. 9). A settlement conference with the magistrate judge took place on May 4, 2017 and negotiations are continuing. (Rec. Doc. 38).

***Defendant's Motion in Limine***

Noble Drilling moves the Court to exclude certain portions of Dr. Kenneth Laughery's report and testimony.<sup>1</sup> Laughery has been retained as Plaintiff's human factors and ergonomics

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<sup>1</sup> In a jury trial, this Court does not admit into evidence any expert reports unless all parties agree to admit them. Thus, the objectionable report itself will not go to the jury regardless of how the Court rules on the instant motion in limine.

expert. Noble Drilling complains *inter alia* that Dr. Laughery has offered some opinions that are outside his area of expertise.

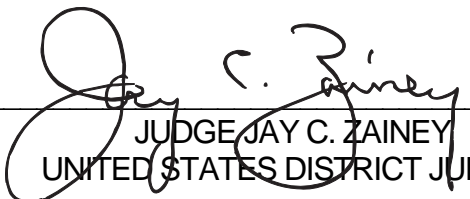
The Court has reviewed Dr. Laughery's report (Rec. Doc. 28-4) in its entirety and is not persuaded that any portion of his opinions are so far outside of his area of expertise so as to require exclusion by the Court. Rather, all of the Defendant's alleged deficiencies can be properly vetted via rigorous cross examination before the jury.

Accordingly, and for the foregoing reasons;

**IT IS ORDERED** that the **Motion in Limine (Rec. Doc. 28)** filed by Defendant Noble Drilling is **DENIED**;

**IT IS FURTHER ORDERED** that due to a conflict on the Court's docket the pretrial conference, currently scheduled for **Thursday, May 18, 2017**, is **RESET** for **Monday, May 22, 2017, at 2:30 p.m.** in chambers. The pretrial order remains due on **Tuesday, May 16, 2017**.

May 12, 2017

  
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JUDGE JAY C. ZAINERY  
UNITED STATES DISTRICT JUDGE