

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KAYLEE EVELER ET AL.

CIVIL ACTION

VERSUS

No. 16-14776

FORD MOTOR CO.

SECTION I

ORDER AND REASONS

Ford moves¹ for an order precluding plaintiffs from referencing any other accidents or incidents involving the Ford Explorer, as well as any complaints, claims, or lawsuits related thereto. Plaintiffs oppose the motion. However, despite both sides recognizing that the admissibility of any such evidence or testimony largely turns on the similarity of the accidents and incidents to the accident at issue, neither side actually provides an explanation as to whether a particular incident is similar or dissimilar to the accident at issue. Therefore, the Court will deny Ford's motion without prejudice to Ford's ability to raise more specific objections to particular accidents and incidents. In order to facilitate the process, the Court will order plaintiffs to provide a list of all other accidents and incidents of which plaintiffs intend to introduce evidence of. Plaintiffs are cautioned to be judicious in generating their list; this Court will not hold "time-consuming mini-trials on [] minimally relevant issues." *In re Paoli R.R. Yard PCB Litig.*, 113 F.3d 444, 454 (3d Cir. 1997).

Accordingly,

IT IS ORDERED that Ford's motion is **DENIED WITHOUT PREJUDICE**.

¹ R. Doc. No. 38.

IT IS FURTHER ORDERED that no later than **June 20, 2017**, plaintiffs file into the record a list setting out (1) all accidents and incidents that they claim are “substantially similar” to the accident at issue, (2) plaintiffs’ contentions—on an incident-by-incident basis, and supported by appropriate legal citations—as to why each and every incident and accident is substantially similar to the accident at issue, and (3) what documents plaintiffs intend to introduce and discuss with respect to each such accident.

IT IS FURTHER ORDERED that, to the extent that Ford wishes to renew its objections, Ford shall do so no later than **June 26, 2017**. When doing so, Ford would be well-advised to respond to plaintiffs’ accident-by-accident discussions of substantial similarity.

New Orleans, Louisiana, June 13, 2017.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE