

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

**TREVELYN ENTERPRISES, LLC**

**CIVIL ACTION**

**VERSUS**

**NO: 18-11375**

**SEABROOK MARINE, LLC**

**SECTION: "S" (1)**

**ORDER AND REASONS**

Before the court are plaintiff's **Objections** (Rec. Doc. 102) to certain of defendant's designated trial exhibits, as well as defendant's **Motion to Exclude Evidence** (Rec. Doc. 92).

The court rules as follows:

1. Defendants' Benchbook Exh. 12 - Survey Report of Andrew Minster. Plaintiff objects on relevance grounds arguing that this exhibit is irrelevant because it addresses only claims regarding the teak railings that have been settled. The court's review of the report indicates that while principally focused on the teak railing, Minster does opine concerning whether the vessel should be hauled out of the water to address bottom coating issues. **OVERRULED.**

2. Defendants' Benchbook Exhs. 48 - 52 - Various documents relied upon by defense expert Kyle Smith to challenge the accreditation of plaintiff's expert Revel Boulon, or to establish that Smith's credentials are superior. The court has already determined that Boulon is qualified to testify as an expert in this case, so the continued relevance of these documents is limited. However, because they potentially go to the weight to be accorded the expert witnesses' testimony, they are admissible. Counsel is cautioned, however, not to waste time by belaboring

these exhibits, the content of which the court is well-acquainted with in this non-jury trial.

**OVERRULED.**

3. Motion to Exclude Evidence and Spoliation Argument. In this motion, plaintiff seeks an order preventing defendants from introducing evidence or argument that Trevelyn intentionally destroyed evidence in the form of small sections of the hull plating that were removed and destroyed during the course of a repair. Defendants have clarified in their response to the motion that they intend to argue that the destruction was negligent, not intentional, and do not seek a spoliation inference.

Accordingly, in the context presented, the motion is **DENIED**. Further consideration, if necessary, is referred to the merits and may be taken up at trial.

New Orleans, Louisiana, this 21<sup>st</sup> day of January, 2021.

  
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MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE