

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JONATHON R. MEAUX

CIVIL ACTION

VERSUS

NO. 19-10628

COOPER CONSOLIDATED, LLC
AND SAVARD MARINE SERVICES
INC. d/b/a SAVARD LABOR &
MARINE PERSONNEL, INC.

SECTION M (5)

ORDER & REASONS

Before the Court is a motion *in limine* of defendant Cooper Consolidated, LLC (“Cooper”) to exclude from trial certain testimony and evidence regarding alleged conduct by the crane operator, Timothy South, that Cooper claims is not related or relevant to plaintiff’s February 19, 2019 accident, which is the subject of this litigation.¹ Plaintiff Jonathon Meaux responds in opposition.² Considering the parties’ memoranda, the record and the applicable law, the Court rules as follows:

IT IS ORDERED that Cooper’s motion is GRANTED IN PART as to excluding testimony or evidence about the following items that are not related or relevant to the February 19, 2019 accident:

- (1) Cooper’s firing of South in August 2019 for refusing to take a witnessed drug test;
- (2) Cooper’s order to South that he take a drug test after Vaughan Johnson reported South’s alleged illegal drug use on the job (absent evidence of such conduct on the day of or the day before the accident);

¹ R. Doc. 108.

² R. Doc. 112.


- (3) South's alleged use and sale of illegal drugs at work (absent evidence of such conduct on the day of or the day before the accident);
- (4) the report of South's wife to Cooper that South was on illegal drugs (absent evidence of such conduct on the day of or the day before the accident);
- (5) anything related to South's alleged domestic violence or emotional instability;
- (6) South's drug testing records for tests taken months after the February 19, 2019 accident (absent evidence of such conduct on the day of or the day before the accident);
- (7) employment records from companies that employed South after the accident; and
- (8) South's criminal history, alleged driving violations, or issues with his current or former spouse.

IT IS FURTHER ORDERED that Cooper's motion is DENIED IN PART as to testimony or evidence about the following items that could be related or relevant to the February 19, 2019 accident:

- (1) South's alleged history of dropping things or striking objects while operating a crane;
- (2) South's vision test results;
- (3) South's alleged violation of safety rules and regulations pertaining to crane operations;
- (4) South's certification and training for operating a crane; and
- (5) property damage incidents that occurred while South operated a crane;

IT IS FURTHER ORDERED that the Court will rule on other issues purportedly concerning South's character as they arise at trial, including objections to individual exhibits.

New Orleans, Louisiana, this 9th day of August, 2021.


BARRY W. ASHE
UNITED STATES DISTRICT JUDGE