

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

RONALD T. COURVILLE, SR., ET  
AL.

CIVIL ACTION

VERSUS

NO: 09-136

NATIONAL FREIGHT, INC., ET  
AL.

JUDGE JAY C. ZAINEY

ORDER

Before the Court is a **Motion in Limine to Exclude Mike England's Testimony (Rec. Doc. 186)** filed by defendant National Freight, Inc. ("NFI"). Plaintiffs oppose the motion. The motion is before the Court on the briefs without oral argument.

Plaintiffs have retained Mike England as their liability expert. NFI moves to exclude England's testimony arguing *inter alia* that it is irrelevant, based on questionable methodology, and prejudicial.

The motion is DENIED insofar as NFI seeks to exclude England's testimony in its entirety.

The motion is GRANTED insofar as England attempts to opine on Boss's medical condition or to make any comparison between alcoholic intoxication and its similarity or relationship to hypoglycemia or insulin shock. England is clearly not qualified to express such an opinion.

The motion is also GRANTED insofar as England attempts to

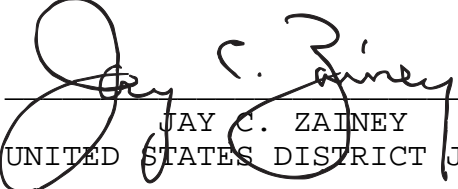
use references to other accidents, other NFI drivers, or statistics in an attempt to demonstrate that NFI is an unsafe company overall or routinely flouts regulations. This information, which appears to be based on hearsay, is highly prejudicial and irrelevant to the issue of whether NFI acted negligently or in violation of the applicable regulations when hiring Boss. England's testimony will be limited to the alleged violations that impact the question of liability in this case.

Moreover, England will not be allowed to expressly opine that NFI's conduct constituted negligent hiring, negligent re-hiring, negligent supervision, or negligent entrustment of a vehicle. Likewise, England will not be allowed to expressly characterize NFI's conduct as careless or reckless. These legal conclusions are within the sole province of the jury.

Accordingly;

**IT IS ORDERED** that the **Motion in Limine to Exclude Mike England's Testimony (Rec. Doc. 186)** is **GRANTED IN PART AND DENIED IN PART** as explained above.

March 20, 2012

  
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JAY C. ZAINY  
UNITED STATES DISTRICT JUDGE