

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROBERT G. McCONNELL

CIVIL ACTION

VERSUS

NO. 11-CV-00153-SDD-SCR

HIRSCHBACH MOTOR LINES, INC.,
AN IOWA CORPORATION, AND WILLIAM
D. TAYLOR

**RULING ON MOTION IN LIMINE TO EXCLUDE EVIDENCE OF
UNRELATED MEDICAL CONDITIONS AND MEDICAL EXPENSES**

Before the Court is Defendants' *Motion in Limine to Exclude Evidence of Unrelated Medical Conditions and Medical Expenses*.¹ The Motion is opposed. The Motion seeks to exclude evidence of Plaintiff Freddie Little's carpal tunnel syndrome and low back complaints and to exclude evidence of Plaintiff Robert McConnell's right knee complaints and right knee treatment. For the reasons that follow, the Defendants' Motion is DENIED.

Plaintiff, Robert G. McConnell, a guest passenger, and driver Freddie Little, filed the instant lawsuit against Defendants arising out of a motor vehicle accident on October 26, 2009 ("m/v accident"). Plaintiffs allege injuries resulting from a rear-end collision involving a Hirschbach Motor Lines, Inc. truck driven by Defendant Taylor."²

Defendants move to exclude evidence of Plaintiff Freddie Little's alleged carpal tunnel syndrome and low back complaints on the grounds that "there is no competent medical evidence" of these claimed injuries. Defendants cite the deposition testimony of

¹ Rec. Doc. 69.

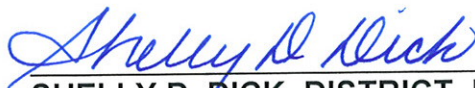
² Rec. Doc. 1, p. 2, ¶15.

Little's treating physician, David C. Collipp, in support of their Motion. The Court denies the Defendants' Motion for the reason that causation is an issue for the trier of fact, and whether Plaintiff Little sustained the injuries he claims is best left for cross-examination of the Plaintiff and/or his physician. Additionally, FRCP Rule 50(a) provides a remedy if, as Defendants contend, there is a lack of competent evidence to support the Plaintiff's claims.

Defendants move to exclude evidence of Plaintiff Robert McConnell's right knee complaints and right knee treatment. Relying on the Plaintiff's report of complaints to an IME and an IME opinion, Defendants argue that "McConnell's right knee was not injured in this accident."³ Again, the determination of causation is one for the jury.

Thus, the Defendants' *Motion in Limine to Exclude Evidence of Unrelated Medical Conditions and Medical Expenses* is DENIED.

Baton Rouge, Louisiana the 15 day of October, 2013.



**SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**

³ Rec. Doc. 69-1, p. 6