

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**

ROBERTY ("BOBBY") AND  
TINA ANNISON

CIVIL ACTION

VERSUS

17-1629-SDD-EWD

METROPOLITAN PROPERTY AND  
CASUALTY INSURANCE COMPANY

**RULING ON MOTION TO EXCLUDE THE TESTIMONY OF**  
**PLAINTIFF'S EXPERT TOMMY TOMPKINS**

Before the Court is the *Motion to Exclude the Testimony of Plaintiffs' Retained Expert Tommy Tompkins*<sup>1</sup> ("*Motion*") filed by defendant Metropolitan Property and Casualty Insurance Company ("Defendant").<sup>2</sup> The *Motion* is opposed by Plaintiffs in the consolidated cases ("Plaintiffs").<sup>3</sup> Defendant filed a *Reply*.<sup>4</sup> The Court does not require oral argument. The Court has carefully considered the law, the facts in the record, and the arguments and submissions of the Parties, and, for the following reasons, the *Motion* is denied.

The captioned matter, and those consolidated herewith for discovery purposes,<sup>5</sup> are but a few of the thousands of cases filed as the result of property damages alleged to

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<sup>1</sup> Rec. Doc. 62.

<sup>2</sup> Rec. Doc. 63. The subject *Motion* and this Court's instant *Ruling* applies to the matters consolidated for discovery purposes with the captioned matter.

<sup>3</sup> Rec. Doc. 66.

<sup>4</sup> Rec. Doc. 73.

<sup>5</sup> Rec. Doc. 5.

have resulted from an epic rain event which caused widespread flooding in areas in Baton Rouge and surrounding areas between August 13 and 15, 2016 (“Flood”).

Defendant moves to exclude opinion testimony from the Plaintiff’s loss expert Tommy Tompkins (“Tompkins”). Defendant’s Motion is substantively identical to the Motion *in Limine* filed by Allstate Insurance Company in cases which present common questions of fact and law and which arise out of the Flood.<sup>6</sup> Another division of this Court has recently denied an identical Motion *in Limine* to exclude Tompkins.<sup>7</sup> For similar reasons, this Court reaches the same conclusion.

Therefore, this Court adopts the well-reasoned opinion of Judge deGravelles in *Albert Anderson vs Allstate Insurance Company*<sup>8</sup> and the undersigned’s recent opinion in *Corley v. Gulfstream Property and Casualty Insurance Company*.<sup>9</sup> Accordingly, for the reasons set forth in these opinions, Defendant’s *Motion in Limine and Request for Hearing*<sup>10</sup> is DENIED.

**IT IS SO ORDERED.**

Baton Rouge, Louisiana, this 10th day of February, 2021.



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

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<sup>6</sup> See Civil Action 17cv00597-JWD-SDJ, Rec Doc. 194.

<sup>7</sup> See Civil Action 17cv00597-JWD-SDJ, Rec Doc. 218.

<sup>8</sup> Civil Action 17cv00597-JWD-SDJ, Rec. Doc. 218.

<sup>9</sup> Civil Action 17cv00535-SDD-RLB, Rec. Doc. 74.

<sup>10</sup> Rec. Doc. 79.