

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

Castille et al

Civil Action No. 6:12-02892

versus

Magistrate Judge Carol B. Whitehurst

Apache Deepwater LLC et al

By Consent of the Parties

**JUDGMENT**

The trial of this matter was conducted before a jury on August 21, 22, 23 and 24, 2017. On August 24, 2017, during the Plaintiff's case-in-chief and on cross-examination of Plaintiff's vocational rehabilitation expert, counsel for Defendant placed a copy of a photograph—which he represented without any foundation, was an entry from Plaintiff's Facebook page—on the projector screen before the jury. The document was not an exhibit and had not been shown to Plaintiff's counsel or the Court. At side bar, outside of the presence of the jury, counsel for the Plaintiff moved for a mistrial based on wrongful introduction of evidence and the prejudicial effect of the document. For the oral reasons provided on the record, the Court granted Plaintiff's motion for mistrial, specifically finding that the document had a highly prejudicial effect on Plaintiff's case and that a cautionary instruction would be ineffective to cure the prejudice. The Court ordered that counsel for Defendant be present in Court that afternoon to show cause why he should not be sanctioned with

the costs of trial. The parties agreed that they would first attempt to settle this matter, including any sanctions against the Defendant, as soon as possible. Accordingly,

**IT IS ORDERED** that by September 5, 2017, the parties are to schedule a Settlement Conference with Magistrate Judge Patrick J. Hanna at Judge Hanna's earliest convenience.

**IT IS FURTHER ORDERED** that the parties are to contact this Court in the event this matter does not settle, at which time the Court will reschedule the trial of this matter.

**JUDGMENT SIGNED** this 30<sup>th</sup> day of August, 2017 at Lafayette, Louisiana.



CAROL B. WHITEHURST  
UNITED STATES MAGISTRATE JUDGE