

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BENJAMIN GILL

CIVIL ACTION NO. 6:13-CV-00589

VERSUS

MAGISTRATE JUDGE HANNA

COASTAL DRILLING
COMPANY, LLC

BY CONSENT OF THE PARTIES

RULING ON MOTION

Currently pending is the motion in limine, which was filed on behalf of defendant Coastal Drilling Company, LLC, seeking to preclude the plaintiff's introduction at trial of photographs depicting only the plaintiff's children. (Rec. Doc. 80). For the following reasons, the motion is denied.

BACKGROUND

According to his complaint, Benjamin Gill was injured in a workplace accident on July 5, 2012. At that time, Mr. Gill was employed by Coastal and working as a floorhand on Coastal Rig 20. Mr. Gill's accident allegedly occurred when the tongs struck him on the right knee. He allegedly now suffers from complex regional pain syndrome, a condition that substantially restricts his activities.

LAW AND ANALYSIS

In its motion in limine, Coastal argues that the plaintiff should be precluded from introducing photographs of the plaintiff's children that do not also include

depictions of the plaintiff himself. Coastal argues that the photographs would have no tendency to make any fact more or less probable and, consequently, would not be helpful in deciding any issue to be determined at trial. The plaintiff counters that the photographs depict activities that Mr. Gill can no longer participate in with his sons and, for that reason, are relevant to his mental anguish and loss of enjoyment of life claims.

Rule 401 of the Federal Rules of Evidence states that evidence is relevant if it has any tendency to make a fact more or less probable and that fact is of consequence in determining the action. Rule 403 states that relevant evidence may be excluded if its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

To the extent that the photographs depict Mr. Gill's children engaging in activities that he would have shared with them before his accident and injury but cannot participate in today because of his injury, the photographs are relevant to help illustrate the lifestyle change resulting from his injuries. Furthermore, any such photographs would not unfairly prejudice the factfinder, confuse any issues, mislead the factfinder, cause any delay or wasted time or needlessly present cumulative evidence, particularly since the photographs will be presented at a bench trial rather

than a jury trial. Finally, the undersigned finds that the defendant's objections to the photographs go more to the weight of the evidence than to the admissibility of the photographs. Accordingly,

IT IS ORDERED that Coastal's motion in limine (Rec. Doc. 80) is DENIED.

Signed at Lafayette, Louisiana, on May 13, 2015.

A handwritten signature in black ink, appearing to read "Patrick J. Hanna", written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE