

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

DAVID COLE ET AL

CASE NO. 6:16-CV-00648*

VERSUS

JUDGE S. MAURICE HICKS, JR.

**P S C INDUSTRIAL
OUTSOURCING L P ET AL**

MAGISTRATE JUDGE HANNA

**To be filed in the following related dockets: 17-267, 17-284, 17-292, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-657, 16-791, 16-792, 16-793, 16-794, 16-795, 16-796, 16-797, 16-798, 16-799, 16-800, 16-801, 16-802, 16-804, 16-805, 16-806, 16-807, 16-808, 16-1039, 16-1221, 16-1223, 16-1485, 18-1574, 18-1575, 18-1576, 19-564, and 19-565*

ORDER

In anticipation of the November 18 and 19, 2019 summary jury trials, which are being conducted solely as a method of alternative dispute resolution, the Court has considered Defendants' objections to 1) Plaintiffs' expert, Byron Trahan; 2) Weber's five additional photos; and 3) Plaintiffs' three-minute video of Bayou Teche post-oil spill. The Court has also considered Plaintiffs' objection to Defendants' exhibit, "stipulation to amount of damages." Having considered the parties' arguments, as presented to the Court via email, the Court rules as follows:

IT IS ORDERED that Defendants' objection to Plaintiffs' expert, Byron Trahan, is OVERRULED. Notwithstanding that Trahan's report deals only with Allain property, as this form of ADR is designed to assist the parties in their valuation of the damages in this case, and expert reports, etc. have not even been

addressed due to the pending motions to remand, his testimony will be limited to the potential need for, and cost of, environmental assessments and site investigations as those items have been historically part of the plaintiffs' damage evaluation for settlement purposes. It is clear to this Court that, should this form of ADR not be successful, and if the Report and Recommendation of Magistrate Hornsby is adopted by the District Court, a scheduling order will be issued in these cases and all of the requirements necessary for experts and their reports will be implemented.

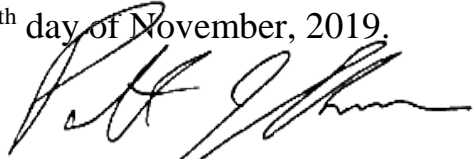
IT IS FURTHER ORDERED that Defendants' objection to Weber's five additional photographs is OVERRULED. The Court previously advised the parties that Defendants should be given the opportunity to question Plaintiffs regarding the photographs prior to the summary trials. See Rec. Doc. 61, p.2.

IT IS FURTHER ORDERED that Defendants' objection to Plaintiffs' three-minute video of Bayou Teche post-oil spill is OVERRULED. The Court finds that the interests of meaningful ADR outweigh any prejudice to Defendants. Again, should this form of ADR not be successful, whether this video becomes admissible at trial is an issue that has yet to be determined, but the Court assumes for purpose of this exercise that the plaintiffs' would take the necessary steps to make it admissible.

IT IS FURTHER ORDERED that Plaintiffs' objection to Defendants' exhibit, "Stipulation to amount of damages by Plaintiffs," is DEFERRED. The said

“stipulation,” is contained in a pleading drafted by counsel, and unverified by the parties, which is not evidence. However, the Court wishes to question counsel and the plaintiff as to whether this qualifies pleading qualifies as an admission.

Signed at Lafayette, Louisiana on this 14th day of November, 2019.

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

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE