

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

C.C., through his natural mother and guardian, MELANIE GINNEVER,
Plaintiff(s),
v.
SUZUKI MANUFACTURING OF AMERICA CORPORATION, et al.,
Defendant(s).

No. 4:16CV01271 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants Suzuki Manufacturing of America Corporation and Suzuki Motor Corporation’s Motion to Reconsider the Court’s Order Excluding Evidence or Argument About Warnings [251].

In their motion, Defendants assert that the Court’s Order granting Plaintiff’s Motion in Limine to Exclude Evidence or Argument About Warnings [250] should be reconsidered because evidence and argument about warnings is relevant as to (1) whether Plaintiff’s use of the ATV was reasonable and foreseeable, (2) Plaintiff’s comparative fault, and (3) Plaintiff’s burden to prove that the Subject ATV was defectively designed in the first place.

The Court has dismissed Plaintiff’s warning claims. The warnings on the Subject ATV address the riding of passengers, the appropriate age of operation, and the use of helmets, among other things. The defect in this case is the Subject ATV’s handlebar grip and its separation. None of the warnings address the defect, therefore there is no relevant purpose to permitting this evidence.

Accordingly,

IT IS HEREBY ORDERED that Defendants Suzuki Manufacturing of America Corporation and Suzuki Motor Corporation's Motion to Reconsider the Court's Order Excluding Evidence or Argument About Warnings [ECF No. 251] is **DENIED**.

Dated this 25th Day of September, 2018.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE