

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

FILED

JUN 07 2018

Clerk, U.S. District Court
District Of Montana
Helena

MOUNTAIN STATES
HEALTHCARE RECIPROCAL RISK
RETENTION GROUP and
COLUMBIA CASUALTY
COMPANY,

Plaintiffs,

vs.

LEXINGTON INSURANCE
COMPANY,

Defendant.

No. CV 16-91-H-SEH

ORDER

Before the Court is Plaintiffs' Second Set of Motions in Limine, 3-7.¹ The Court conducted a hearing on the motion on June 7, 2018.

Upon the record made in open court,

ORDERED:

1. Part 3 of the motion, seeking an order "[p]recluding Lexington from

¹ Doc. 80.

introducing any comment, argument, testimony, or evidence concerning settlement of the Underlying Suit,”² is GRANTED, except that evidence may be introduced that the underlying case was (1) defended by Mountain States Healthcare Reciprocal Risk Retention Group and (2) was settled.

2. Part 4 of the motion, seeking an order “[p]recluding Lexington from introducing any comment, argument, testimony, or evidence regarding the defense of the Underling Suit by other insurers, including Mountain States and Columbia Casualty,” and part 5 of the motion, seeking and order “[p]recluding Lexington from introducing any comment, argument, testimony, or evidence regarding the policies or coverage provided by Mountain States or Columbia Casualty,”³ are WITHDRAWN by Plaintiffs.

3. Part 6 of the Motion, seeking an order “[p]recluding Lexington from introducing any comment, argument, testimony, or evidence concerning the merits of the Underlying Suit,”⁴ is GRANTED, except as provided in paragraph 1 of this Order and paragraphs 1 and 2 of the Court’s Order of June 4, 2018.⁵

² Doc. 80 at 2.

³ Doc. 80 at 2.


⁴ Doc. 80 at 2.

⁵ Doc. 114 at 4-5.

4. Part 7 of the motion, seeking an order “[p]recluding Lexington from introducing any opinion testimony by comment, argument, testimony, or evidence, and thus precluding any comment, argument, testimony, or evidence which requires expert testimony to establish,”⁶ is GRANTED. Expert testimony may not be introduced by either party at trial.

5. The Court RESERVES ruling on whether Defendant will be allowed to present evidence at trial of the defense of prejudice.

DATED this 7th day of June, 2018.


SAM E. HADDON
United States District Court

⁶ Doc. 80 at 2.