

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE No. 7:14-cv-000185-BR

ANNJEANETTE GILLIS, et al.,

Plaintiffs,

v.

MEMORANDUM OPINION AND ORDER

MURPHY-BROWN, LLC, d/b/a
SMITHFIELD HOG PRODUCTION
DIVISION,

Defendant.

Pending before the court is defendant's motion in Limine for a Jury View. (ECF No. 112). The defendant raised the same motion in the cases of McKiver v. Murphy-Brown, LLC, Civil Matter No. 7:14-180-BR; McGowan v. Murphy-Brown, LLC, Civil Matter No. 7:14-182-BR; and Artis v. Murphy Brown, LLC, Civil Matter No. 7:14-237-BR. In all of these cases, the court denied the defendant's motion.¹ For the reasons set forth in the

¹ A district court may deny a party's request for a jury view if the court believes it would be "time consuming, difficult to control, and ... [un]necessary in order for the jury to fully appreciate the case." Kelley v. Wegman's Food Markets, Inc., 98 F. App'x 102, 105 (3d Cir.2004). Furthermore, a court may deny a party's request for a jury view where the other evidence admitted is sufficient otherwise without the jury view. Id. (upholding denial of a jury view where numerous photographs and reports and relevant testimony were allowed into evidence); United States v. Passos-Paternina, 918 F.2d 979, 986 (1st Cir.1990) (upholding the denial of a request for a jury view of a ship where there was sufficient testimonial evidence about the vessel); United States v. Triplett, 195 F.3d 990, 999 (8th Cir .1999) (upholding the denial of a jury view where the trial

court's prior orders on this motion, the defendant's motion for a Jury View is **DENIED**.

The Clerk is directed to send copies of this Order to all counsel of record.

IT IS SO ORDERED this 5th of November, 2018.

ENTER:



David A. Faber

Senior United States District Judge

evidence included photographs and diagrams of the sites of the defendant's arrests in addition to testimony concerning the circumstances and conditions at those locations at the relevant times); Hametner v. Villena, 361 F.2d 445, 446 (9th Cir.1966) (upholding denial where the evidence included photographs and a surveyor's diagram of the scene, and the requested jury view, "with its attendant delay and inconvenience, was unnecessary and unwarranted").