

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

MIKE STOKES,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-507-KEW
)	
LAKE RAIDER, INC. d/b/a)	
VOYAGER MARINE,)	
)	
Defendant/)	
Third-Party)	
Plaintiff,)	
)	
v.)	
)	
150 BOAT SALES, L.L.C.,)	
)	
Third-Party)	
Defendant.)	

OPINION AND ORDER

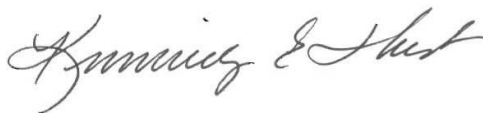
This matter comes before the Court on Plaintiff's Motion in Limine (Docket Entry #156). Plaintiff seeks to exclude reference to his prior back injury which he contends was unrelated to the injury he suffered as a result of the use of Defendant's defective product. Plaintiff contends such evidence is irrelevant to the issues in this case. In response, Defendant asserts that Plaintiff was disabled as a result of the back injury prior to being injured on the boat manufactured by Defendant and, therefore, the evidence of the back injury is relevant for the jury to allocate the appropriate damages to the injury alleged in this case. Plaintiff replies that he is not seeking damages due to disability resulting from the loss of his finger. He states that he will not seek lost wages or impairment of earnings capacity since he was previously

disabled. Plaintiff will only seek damages for the permanent injury caused by the loss of his finger.

Given the limitation on damages Plaintiff has placed on his claims, the evidence of his prior back injury appears to be irrelevant to the elements of damages Plaintiff will claim in this case. As a result, reference to the back injury will be excluded from trial. However, should Plaintiff reference impairment of his ability to work or damages which would implicate the back injury in the evidence at trial, this Court will revisit this ruling at trial at Defendant's urging.

IT IS THEREFORE ORDERED that Plaintiff's Motion in Limine to exclude reference to his prior back injury (Docket Entry #156) is hereby **GRANTED**. No reference shall be made to Plaintiff's prior back injury at trial unless Plaintiff opens the door for the introduction of such evidence.

IT IS SO ORDERED this 31st day of December, 2014.



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE