

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

JAMES CZARNECKI and	:	CIVIL ACTION
ANNE CZARNECKI, h/w	:	
	:	
v.	:	
	:	
HOME DEPOT USA, INC.	:	NO. 07-4384

ORDER

AND NOW, this 15th day of June, 2009, after consideration of the motions in limine filed by Plaintiffs and Defendant (Docs. 51-59), and all responses and replies to responses thereto, it is hereby ORDERED AS FOLLOWS:

1. Doc. 51 (Defendant's motion in limine to bar Norman Johanson's testimony that the "clicking" sounds constitute a defect) is DENIED AS MOOT in light of my prior ruling on the admissibility of Mr. Johanson's testimony;
2. Doc. 52 (Defendant's motion in limine to bar Mr. Johanson from referring to claims or lawsuits regarding Krause Multi-Matic ladders) is GRANTED;
3. Doc. 53 (Plaintiffs' motion in limine to preclude cumulative expert testimony) is DENIED;
4. Doc. 54 (Plaintiffs' motion in limine to preclude Defendant from introducing evidence that Mr. Johanson's theory of causation had been rejected in Mirchandani, or any other case) is GRANTED;
5. Docs. 55 and 56 (Plaintiffs' motions in limine to preclude biomechanical and/or reconstruction testimony of defense experts Quan and Ver Halen) are DENIED;
6. Doc. 57 (Plaintiffs' motion in limine to exclude evidence of Plaintiff's misuse of the ladder and to omit jury charge on assumption of risk) is DENIED as to evidence of Mr. Czarnecki's alleged misuse of the ladder, and DENIED WITHOUT PREJUDICE as to charging the jury on assumption of the risk;
7. Doc. 58 (Plaintiffs' motion in limine to exclude reference to various industry standards) is GRANTED;

8. Doc. 59 (Plaintiffs' motion in limine to preclude misleading portions of videotaped demonstrations and photographs by Dr. Quan) is GRANTED to the extent that Defendant will be precluded from presenting visual evidence of Dr. Quan's shake test or any test using an exemplar ladder in other than its straight configuration, and is otherwise DENIED.

BY THE COURT:

/s/ ELIZABETH T. HEY

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE