JONES v. L.A. FITNESS INTERNATIONAL, LLC Doc. 26

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

KHALIF JONES,	:	
Plaintiff,	:	**CIVIL ACTION**
v.	:	**NO. 11-0632**
	:	
LA FITNESS INTERNATIONAL, LLC,	:	
Defendant.	:	
	:	

O R D E R

AND NOW, this 22nd day of July, 2013, for the reasons set forth in the Court's Memorandum Opinion filed this day, it is hereby ORDERED that Defendant's Motion for Summary Judgment and/or Motion to Preclude Plaintiff's Liability Expert Steve Bernheim's Testimony, or in the Alternative, Motion for An Evidentiary Hearing Pursuant to Fed. R. Evid. 104 [Doc. No. 17] is GRANTED IN PART and DENIED IN PART, as follows:[1]

1. Defendant's Motion for Summary Judgment is DENIED; and
2. Defendant's Motion to Preclude Mr. Bernheim's Testimony is GRANTED only to the extent that Mr. Bernheim may not testify as to the cause of Mr. Jones's injury, or to whether or not the features of the basketball court constitute a "dangerous condition"; Defendant's Motion to Preclude is DENIED in all other respects.

It is so ORDERED.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

[1] In the alternative to precluding Mr. Bernheim's testimony, LA Fitness moved for an evidentiary hearing pursuant to Federal Rule of Evidence 104. The Court scheduled an evidentiary hearing, which was continued. The parties were given a number of opportunities to reschedule the hearing, but ultimately requested that the Court decide the pending motions on the papers. Accordingly, Defendant's request for an evidentiary hearing is deemed withdrawn.

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