

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

DIANE KIMMEL,
Plaintiff

v.

ZBIGNIEW PONTIAKOWSKI and
SCHNEIDER NATIONAL CARRIERS, INC.,
Defendants

: No. 3:13cv2229
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: (Judge Munley)
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ORDER

AND NOW, to wit, this 19th day of November 2014, defendants' motions in limine (Docs. 61, 63, 65 & 67) are **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendants' motion in limine to preclude plaintiff from introducing evidence of wage loss, loss of income and loss of future earning capacity (Doc. 61) is **GRANTED in part and DENIED in part**.
 - a. Defendants' motion to preclude evidence of wage loss and loss of income is **GRANTED as unopposed**; and
 - b. Defendants' motion to exclude evidence regarding plaintiff's loss of future earning capacity is **GRANTED in part and DENIED in part** as follows:
 - i. The court will deny defendants' motion to exclude evidence of plaintiff's diminished future earning capacity regarding her plans to return to work as a nurse.

- ii. The court will grant defendants' motion to exclude evidence of plaintiff's diminished earning capacity pertaining to her plans to open a bakery out of her home;
2. Defendants' motion in limine to exclude evidence of medical expenses or costs (Doc. 63) is **DENIED**;
3. Defendants' motion in limine to preclude plaintiff from introducing evidence of injuries not causally related to the incident (Doc. 65) is **DENIED** with regard to injuries that plaintiff's doctors report were caused by the accident; and
4. Defendants' motion in limine to preclude plaintiff from referring to Defendant Pontiakowski as a "professional driver" or asserting that a commercial motor vehicle driver owes a higher duty of care (Doc. 67) is **GRANTED as unopposed**.

It is further **ORDERED** that plaintiff may question defendants as to their duty of care without reference to Defendant Pontiakowski's status as a commercial motor vehicle operator.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court