
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SALT LAKE CITY CORPORATION, a Utah municipal corporation; BP PRODUCTS NORTH AMERICA, INC., a Maryland corporation; and CHEVRON U.S.A. INC., a Pennsylvania corporation,

Plaintiffs,

v.

ERM-WEST, INC., a California corporation; COMPASS ENVIRONMENTAL, INC., a Delaware corporation; and WRS INFRASTRUCTURE AND ENVIRONMENT, INC., a North Carolina corporation, d/b/a WRSCOMPASS, INC.,

Defendants.

MEMORANDUM DECISION AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTIONS IN LIMINE TO EXCLUDE EVIDENCE OF INSURANCE

Case No. 2:11-CV-1174 TS

District Judge Ted Stewart

This matter is before the Court on Defendants Compass Environmental, Inc. ("Compass") and WRS Infrastructure's ("WRS") Motion in Limine to Exclude Evidence of Defendants' Insurance, and Defendant ERM-West, Inc.'s ("ERM") Motion in Limine to Exclude Evidence of Insurance Coverage. Defendants seek an order prohibiting Plaintiffs from introducing any evidence of liability insurance coverage or that ERM and Compass are insured by the same insurance carrier.

Federal Rule of Evidence 411 states:

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or prejudice or proving agency, ownership, or control.

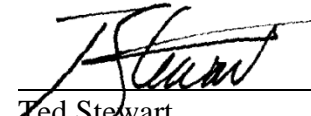
To the extent that Plaintiffs intend to introduce evidence of liability insurance to prove that Defendants acted wrongfully, the Court will exclude that evidence. However, to the extent that Plaintiffs seek to introduce evidence for a purpose permitted by Rule 411, the Court will permit that evidence, provided it is relevant and not unduly prejudicial. Defendants may make appropriate objections to specific evidence at trial.

It is therefore

ORDERED that Defendants' Motions in Limine to Exclude Evidence of Insurance (Docket Nos. 408 and 469) are GRANTED IN PART AND DENIED IN PART.

DATED this 1st day of February, 2016.

BY THE COURT:



Ted Stewart
United States District Judge