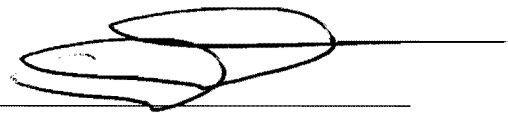


include warnings against sympathy for either party. In this case, an instruction could be drafted which would address Defendant's concern that Plaintiff's high medical expenses and significant disability should not govern the jury's decision on liability. *See Okraynets v. Metro. Transp. Auth.*, 555 F. Supp. 2d 420, 426 (S.D.N.Y. 2008) ("it must be presumed that juries are able to understand the court's instructions, and that juries follow these instructions").

The court's refusal to bifurcate the trial in the interests of judicial expediency is consistent with the general interpretation of Rule 42 of the Federal Rules of Civil Procedure. Rule 42(b) provides the district court with discretion to order separate trials of one or more issues or claims "[f]or convenience, to avoid prejudice, or to expedite and economize." However, "[b]ifurcation is the exception rather than the rule," *Fraser v. Concord Gen. Mut. Ins. Co.*, No. 2:06-cv-210, 2009 WL 890123, at *1 (D. Vt. Mar. 30, 2009) and "whether to bifurcate a trial into liability and damages phases is a matter within the sound discretion of the trial court." *Getty Petroleum Corp. v. Island Transp. Corp.*, 862 F.2d 10, 15 (2d Cir. 1988). Here, where Defendant has not adequately demonstrated that separate trials would "promote convenience, avoid prejudice, expedite the resolution of the case or save expense," *see Fraser*, 2009 WL 890123, at *2, its Motion to Bifurcate (Doc. 111) must be DENIED.

Dated at Rutland, in the District of Vermont, this 29th day of March, 2016.

A handwritten signature in black ink, appearing to read "Geoffrey W. Crawford", written over a horizontal line.

Geoffrey W. Crawford, Judge
United States District Court