

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

SANDY GAUTREAUX

NO. 2015 CW 0635

VERSUS

MICHAEL WILLIAMS, WERNER
ENTERPRISES, INC. OF
NEBRASKA AND ACE AMERICAN
INSURANCE CO.

APRIL 28, 2015

In Re: Michael Williams, Werner Enterprises, Inc. of Nebraska and Ace American Insurance. Co., applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 606,654.

BEFORE: GUIDRY, THERIOT AND DRAKE, JJ.

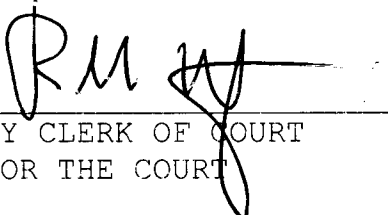
WRIT GRANTED IN PART AND DENIED IN PART. The trial court's ruling granting the plaintiff's Motion in Limine (to exclude evidence and testimony at trial of prior accidents, injuries, claims, lawsuits and receipt by the plaintiff of payments of damages) is reversed. Judgment is hereby rendered denying the plaintiff's Motion in Limine. The trial court should consider each item of evidence and witness testimony during the trial, before making a determination of its admissibility.

Furthermore, the trial court's ruling overruling relators' peremptory exception raising the objection of prescription, with regard to the child's claims of loss of consortium, mental anguish and economic loss, is reversed. Judgment is hereby rendered sustaining relators' peremptory exception of prescription, with regard to the child's claims of loss of consortium, mental anguish and economic loss, and the child's claims are dismissed with prejudice. The amending petition adding the child's claims was not filed until over a year after the plaintiff's surgery.

The writ is denied insofar as it seeks this Court's review of the trial court's ruling denying relators' Motion in Limine (to include, as admissible evidence during the trial, documentation and witness testimony regarding payments made to the plaintiff by her attorney in this case, and related financial records).

EGD
JMG
MRT

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT