

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

MICHAEL P. LINER AND LYNN
HOVER LINER, INDIVIDUALLY
AND AS SURVIVING PARENTS OF
MILES ANDREW LINER
(DECEASED); TAYLOR LOUISE
ADAMS, PENNY K. ADAMS, AND
RONNY ADAMS

NO. 2015 CW 1820

VERSUS

BELLSOUTH
TELECOMMUNICATIONS, LLC
D/B/A AT&T LOUISIANA, ET AL

JANUARY 14, 2016

In Re: Bellsouth Telecommunications, LLC d/b/a AT&T
 Louisiana, applying for supervisory writs, 16th
 Judicial District Court, Parish of St. Mary, No.
 12555.

BEFORE: GUIDRY, WELCH, THERIOT, DRAKE AND HOLDRIDGE, JJ.

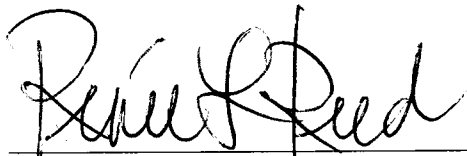
WRIT GRANTED IN PART; DENIED IN PART. We find that the probative value of the questioned eye-witness testimony is not substantially outweighed by a danger of unfair prejudice or other factors. Thus, the court abused its discretion in excluding this evidence. Accordingly, the application is granted insofar as Paragraph I of the court's November 9, 2015 judgment is reversed.

To the extent the application challenges the court's alleged ruling limiting or excluding the opinion testimony of defense experts, Dr. William J. George and Dr. Joseph D. Blaschke, it is denied on the showing made. The minute entry reflects only that plaintiff's "motion in limine to limit/exclude opinions of Dr. Joseph Blaschke [sic]" was *denied* and the November 9, 2015 judgment makes no mention of any motion relative to those experts. Accordingly, this Court has no ruling in this regard to consider.

EGD
JMG
JEW
MRT

Holdridge, J., concurs in part and dissents in part. I would decline to exercise this Court's supervisory jurisdiction, as relator's right to appellate review could be preserved by proffering any evidence the trial court declines to admit. La. C.C.P. art. 1636.

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DEPUTY CLERK OF COURT
FOR THE COURT