

Case Name: Curtis Schipper v BNSF Railway Co

Date Decided: April 4th, 2009

Originally Filed in: ()

Decided by: (State)

Court: U.S.D.C. " District of Kansas

Judge: U.S. Magistrate Judge Oâ€™Hara

Citation: 2009 WL 997149 (D.Kan.)

Background:

This suit arose out of a motorcycle-automobile collision between the plaintiff, Curtis Schipper, and Michael Morgan. Both Schipper and Morgan were employees of the defendant, BNSF Railway Company ("BNSF"). They were both staying at a hotel while attending a training program put on by BNSF. Schipper alleged he was injured as the result of the accident and brought a negligence claim against BNSF under the Federal Employers' Liability Act ("FELA"). Jury trial was scheduled to begin on April 20, 2009. The Court convened on April 13, 2009, to hold a status and limine conference. During this time, each party submitted their motions in limine. The Court then ruled on the motions. Schipper submitted 13 subparts to their motion. The Court only listed the unopposed motions in their Order. BNSF submitted 17 subparts, and the Court accordingly listed only those unopposed motions. Schipper also submitted a motion to compel railroad employee witnesses at trial.

Issue:

Whether the Court (1) will grant Schipper and/or BNSF's motions in limine and, (2) whether the Court will grant Schipper's motion to compel.

Overall Issues Discussed or Touched Upon in this Case:

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Held:

For a motion in limine, the moving party has the burden of demonstrating that the evidence is inadmissible on any relevant ground. The Court held that Schipper's motion in limine was granted in 9 subparts and denied in 4 subparts. Following, the Court held that Defendant's motion in limine was granted in 13 subparts, and denied in 4 subparts. Finally the Court denied Schipper's motion to compel the railroad employee witnesses at trial. The trial commenced on April 20, 2009.

Comments:

The Court, in trying to decide whether to grant a motion in limine, looks to the moving party to demonstrate the evidence is inadmissible. Any motion may be denied when it lacks specificity with respect to evidence to be excluded. At trial, the Court may alter their motion in limine

ruling based on developments at either trial or their own sound discretion. A ruling in limine does not prevent a party from the responsibility of making objections, raising motions to strike or making formal offers of proof during the course of trial. Steve Gordon
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