

Case Name: Mark A. Cash v. Union Pacific Railroad Company

Date Decided: March 1st, 2010

Originally Filed in: Arkansas (Federal)

Decided by: Arkansas Eastern District Court (Federal)

Court: U.S.D.C. Eastern District of Arkansas

Judge: Judge Wilson

Citation: 2010 WL 749634 (E.D.Ark.)

Background:

Plaintiff, Mark Cash, filed this action pursuant to [FELA](#), Federal Employers' Liability Act, for an injury that allegedly occurred during the course of Cash's employment with [Union Pacific Railroad Company](#). Before this Court were motions in limine made by both Case and UP.

Issue:

Did this Court grant Cash's and/or UP's motions in limine?

Overall Issues Discussed or Touched Upon in this Case:

- *Reduction of Damages*
- *Spoliation of Evidence*
- *Ruling on Summary Judgment*
- *Insufficient Evidence of Damages*
- *Procedural Issues - Federal*

Held:

This Court granted UP's motion in limine prohibiting argument or suggestion that this lawsuit is Cash's exclusive remedy or that Cash is not eligible to receive worker's compensation benefits. Second, the Court denied UP's motion in limine to prohibit reference to Cash's railroad retirement benefits and gross wages. However, this Court granted UP's motion in limine to exclude Cash's income taxes and fringe benefits. As for Cash's motion in limine to exclude UP's expert testimony. This Court partially granted, allowing UP's expert to testify so long as a proper foundation was made.

Comments:

Although not much information was provided in this case, it's a good example of the many procedures a plaintiff must go through when pursuing a FELA claim. One such tool, is the motion in limine which is decided by a judge, that can determine whether certain evidence will even be allowed in at trial. Steve Gordon