

BRIAN SHANE BREWER

NO. 89866

DIV. F

VERSUS

21st JUDICIAL DISTRICT COURT

J.B. HUNT TRANSPORT, INC.,  
and ROBERT E. JACKSON

PARISH OF LIVINGSTON

STATE OF LOUISIANA

**JUDGMENT ON CERTAIN MOTIONS IN LIMINE**

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DENISE...  
2005 JUN -2  
PARISH OF LIVINGSTON  
CLERK OF COURT

Some of Plaintiff's motions in limine and several defense motions in limine came on for hearing on June 27, 2005. Others motions by both sides were continued. Present:

Walter Landry Smith, 601 Mayflower St., Baton Rouge, La. 70802, 225-338-0700, and G. Stephen Covert, 314 St. Charles St., Baton Rouge, La. 70802, 225-383-0101, on behalf of Plaintiffs

Mr. Durward Casteel, 132 McGehee Dr. , Baton Rouge, La. 70815, 225-273-4442, on behalf of defendants J.B. Hunt Transport, Inc. and Robert Jackson

Mr. David Vasser, 3500 N Causeway Blvd, Metairie, 70002 - (504) 833-1982, on behalf of defendants J.B. Hunt Transport, Inc. and Robert Jackson

Mr. Christopher Moody, 203 East Thomas Street, Hammond, Louisiana 70401, 985-542-1351, on behalf of State of Louisiana, DOTD

After receiving evidence, memoranda of counsel and hearing argument, **IT IS HEREBY ORDERED** as follows:

Plaintiff's motions in limine listed below are granted as prayed for. The defendants are prohibiting from offering evidence or making reference or innuendo in the presence of the jury of the subjects listed below. Permission is also hereby granted to obliterate from any or all exhibits any references to the following subjects:

1. Testimony or reports by defense expert Kevin Bianchini, Ph.D., regarding his tests purporting to show malingering, negative response bias, malingered neurocognitive dysfunction or similar terms.
2. Video clips of defendant Robert Jackson in October, 2004 doing a staged maneuver with the 18-wheeler making a very slow lane change at a purportedly steady speed of 5 miles per hour, as well as animations or simulations prepared for J.B. Hunt, purporting to show an 18-wheeler making various maneuvers at a constant speed.
3. Fault of one or more road contractors working on the project under the State's direction.
4. Opposition was withdrawn to the motion to quash the deposition of Martha Thomas by the defense, and therefore the motion is granted.
5. Opposition was withdrawn to the motion to exclude reference or photos or evidence regarding the prescription bottle found in the truck, and therefore the motion is granted.
6. Opposition was withdrawn to the motion to exclude reference or evidence regarding collateral sources, such as social security disability, medicare, or medicaid, and therefore the motion is granted.
7. The motion by the defense to bifurcate the trial of the liability evidence from the damages issues is denied as a result of opposition of one of the parties and the requirement that there be consent of the parties.

8. The motion by J.B. Hunt to exclude certain letters by attorney Walter Smith regarding refusal of expert Kevin Bianchini, PhD to produce discovery documents is granted.

MICROFILMED

Signed, this 25<sup>th</sup> day of July, 2005.

Elizabeth P. Wolfe  
Judge Elizabeth Wolfe, 21<sup>st</sup> Judicial District Court

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21st JUDICIAL DISTRICT  
PARISH OF LIVINGSTON, LA  
A true copy of the original  
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Deputy Clerk of Court