

DOCKET NO: HHDCV116032094S

SUPERIOR COURT

DESALLE, JAMES Et Al
V.
WAL-MART STORES, INC. Et AlJUDICIAL DISTRICT OF HARTFORD
AT HARTFORD

10/24/2016

ORDERORDER REGARDING:
08/22/2016 400.00 MOTION IN LIMINE

The foregoing, having been heard by the Court, is hereby:

ORDER:

Before the court is plaintiffs' motion in limine to preclude admission of testimony and evidence regarding the opinions of biomechanical expert Jeffrey B. Wheeler (Wheeler) and request for evidentiary hearing (motion) (#400.00). Related briefing appears at ##438.00, 443.00, 446.00, and 447.00. Oral argument took place on September 23, 2016. Plaintiffs argue that Wheeler should be excluded because the seat belt defense is irrelevant and inadmissible. Plaintiffs argue, in the alternative, that Wheeler should be excluded because his opinions cannot satisfy the requirements of State v. Porter, 241 Conn. 57, 698 A.2d 739 (1997). For the reasons stated below, plaintiffs' motion is granted in part and denied in part. Plaintiffs' motion is granted to the extent it seeks a Porter hearing.

First, since the filing of plaintiffs' motion, the court has adjudicated the parties' competing motions regarding the Florida seat belt defense. On October 13, 2016, the court held that the Florida common law seat belt defense may be asserted against plaintiffs James DeSalle and Maria Videira. (#471.00.) Accordingly, plaintiffs' primary argument is no longer viable.

Second, having considered plaintiffs' objection to the admissibility of Wheeler's opinions, and Wal-Mart's proffer in response thereto, the court concludes that Wheeler's proposed testimony constitutes scientific evidence that requires a validity assessment to assure reliability. Thus, the court grants plaintiffs' request for a Porter hearing.

It is so ordered.

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Judge: INGRID L MOLL