

LaBorde, et al. v. Shelter Mutual Insurance, et al, 15th Judicial District Court, Lafayette Parish, Case No. C-2007-2066-K (2011).

On My 16, 2011, a hearing on a motion in limine to exclude a CDR Tool report was held at the request of the defense.

In this case, the SDM from the accident vehicle was recovered by the police. Data was recovered from the SDM by the Louisiana Highway Patrol.

The accident vehicle was subsequently released as salvage and lost. The SDM was also lost as the police did not handle using their standard evidence handling procedures. The CDR Tool data file was lost. The only record of a data recovery was a copy of the CDR Tool report presenting the VIN from the accident vehicle.

The heritage of the print image is not known. An expert in accident reconstruction for the plaintiff completed an analysis of the crash coming to the conclusion the data presented in the print copy of the CDR Tool was consistent with the physical evidence. The defense accident reconstruction expert came to the conclusion it was not consistent with the physical evidence. Witnesses to the crash also disagreed with the data in the CDR Tool report.

Following the testimony of an expert in EDRs, the court ruled, due to inconsistencies in the CDR Tool print report that could not be explained by the plaintiff and that the data file and SDM was not available for further examination and testing, the CDR Tool print report was not admissible and could not be relied upon by plaintiff's expert to come to a conclusion that would be presented to a jury.