

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

SHAWN GRIFFIN, JR.

NO. 2026 CW 1105

VERSUS

UNITED SERVICES AUTOMOBILE
ASSOCIATION; JAMES ERIN
BERNARD STRATTON; AND
PATRICK ENRIGHT

SEPTEMBER 28, 2026

In Re: Shawn Griffin, Jr., applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge, No.
752698.

BEFORE: McCLENDON, C.J., PENZATO, LANIER, STROMBERG AND FIELDS,
JJ.

WRIT DENIED. The criteria set forth in **Herlitz Construction Co., Inc. v. Hotel Investors of New Iberia, Inc.**, 396 So.2d 878 (La. 1981) (*per curiam*) are not met.

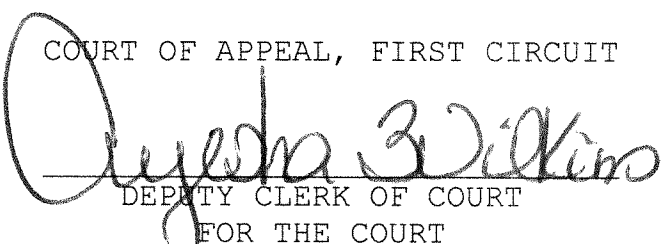
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WEF

Stromberg, J., concurs. Plaintiff failed to meet his burden of proof on the Motion in Limine, as no evidence was formally introduced at the hearing. Evidence not properly and officially offered and introduced cannot be considered, even if it is physically placed in the record. Documents attached to memoranda do not constitute evidence and cannot be considered as such on appeal. **Denoux v. Vessel Management Services, Inc.**, 2007-2143 (La. 5/21/08), 983 So.2d 84, 88.

Penzato, J., and **Lanier, J.**, dissent and would grant the writ. We would reverse the portion of the trial court's August 17, 2026 judgment, which denied the Motion in Limine filed by plaintiff, Shawn Griffin, as to evidence he had no driver's license at the time of the accident. Evidence related to his lack of a driver's license does not have a tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable, and it is not relevant and not admissible. See La. Code Evid. arts. 401 & 402. Accordingly, we find the trial court abused its discretion in denying this portion of the Motion in Limine. We would grant the motion in part and exclude evidence related to plaintiff's lack of a driver's license at the time of the accident from the trial of this matter.

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DEPUTY CLERK OF COURT
FOR THE COURT