

On Camera: The Texas Supreme Court Solidifies Strategic Use of Surveillance

The Texas Supreme Court recently overturned a \$10 million jury award on a case due to the exclusion of video footage where the Plaintiff is seen using a mini-excavator and maneuvering on a stool. The plaintiff claimed he injured his back while operating equipment owned by his employer. The injury to the plaintiff's back led to several surgeries, pain and neurological problems leading his physicians to certify him as completely disabled. The defendant obtained video footage where the plaintiff is seen performing physical activities during his shift, such as using equipment for set periods of time and physically maneuvering while gathering tools and materials. The district court judge excluded the video during the plaintiff's Motion in Limine hearing stating she had not watch the video but could only use it for impeachment purposes and if the plaintiff opened the door. The jury ruled in the plaintiff's favor and the court of appeals affirmed the verdict. The Texas Supreme Court found that excluding the video footage from two separate occasions was not bias and had sufficient unaltered footage to reverse the original verdict. The court concluded if the plaintiff was presenting witnesses to the case about his physical activities, then the jury should view footage of him performing those activities. The cases was remanded and set for a new trial where the video must be admitted.

For more details and information click [here](#).

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