

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Steven Updike v. American Honda Motor Company Incorporated

Updike · No. CV-21-01379-PHX-ROS · Decided January 30, 2026

SUMMARY

The United States District Court for the District of Arizona partially granted and partially denied Defendant American Honda Motor Company Incorporated’s motion in limine concerning cumulative and irrelevant damages evidence in a wrongful death action. The Court held that beneficiaries may present individualized testimony and corroborative third-party testimony based on personal knowledge, but evidence concerning the decedent’s premortem pain and suffering is not compensable in the wrongful death action.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 30, 2026
DOCKET	CV-21-01379-PHX-ROS
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved in limine to exclude or limit cumulative and irrelevant damages evidence in Plaintiff’s wrongful-death action, including by limiting the number of damages witnesses or the time allotted for damages testimony.
STANDARD OF REVIEW	The court applied the relevance and balancing requirements of Federal Rule of Evidence 403 and the personal-knowledge and lay-opinion requirements of Federal Rule of Evidence 701 to the proposed damages evidence.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motion in limine
- wrongful death
- damages
- relevance
- evidence

PRACTICE AREAS

- civil procedure
- evidence
- wrongful death
- damages

QUESTIONS PRESENTED

1. Whether testimony from each wrongful-death beneficiary and corroborative testimony from third parties may be presented to establish each beneficiary's individual damages.
2. Whether evidence concerning the manner of the decedent's death is relevant and recoverable in a wrongful-death action when it reflects the beneficiaries' anguish caused by the death, as opposed to anguish arising from the decedent's premortem pain and suffering.
3. Whether third-party opinions about the impact of the death on the beneficiaries must be based on personal knowledge, avoid hearsay, and satisfy Federal Rule of Evidence 701.

HOLDINGS

1. Because Plaintiff bears the burden of proving the unique damages of each wrongful-death beneficiary, Plaintiff may present testimony from each beneficiary and, when it remains corroborative rather than cumulative, testimony from third parties. The testimony must remain within the scope of damages recoverable in a wrongful-death action.
2. Evidence concerning the manner of death is relevant only to the extent it reflects the beneficiaries' mental anguish resulting from the death and survives any balancing under Federal Rule of Evidence 403. Evidence concerning the decedent's premortem pain and suffering is irrelevant to the beneficiaries' wrongful-death damages and may be excluded.
3. Third-party testimony concerning the impact of the death on the beneficiaries must be based on the witness's personal knowledge, must not be hearsay, and must satisfy Federal Rule of Evidence 701.

KEY QUOTATIONS

“Both economic and non-economic damages such as “anguish, sorrow, stress, mental suffering, pain and shock,” City of Tucson v. Wondergem, 466 P.2d 383, 387, are available, but must pertain only to the individual beneficiaries, not the estate.” (at 1)

“In this case, while the knowledge that the decedent’s “manner of death was slow and painful” and “the shock and mental anguish of seeing Jim as a paralyzed, fragile, and unrecognizable man, unable to breathe on his own, but alert, agitated, and in pain” (Doc. 219 at 7) are unquestionably real and agonizing, they are not legally compensable in a wrongful death suit as they constitute injury arising from the decedent experiencing premortem pain and suffering.” (at 2)

“Any testimony must be based upon personal knowledge and relate to the injury of the beneficiaries resulting from the death.” (at 2)

FACTUAL BACKGROUND

The wrongful-death damages evidence concerned the beneficiaries' anguish and mental suffering resulting from the decedent's death. Plaintiff sought to present testimony from each statutory beneficiary and potentially corroborating testimony from third parties concerning the impact of the death. The proposed evidence also concerned the decedent's slow and painful manner of death, including premortem pain, paralysis, inability to breathe independently, agitation, and visible suffering.

PROCEDURAL HISTORY

Plaintiff brought a wrongful-death action against American Honda Motor Company Incorporated. Before trial, Defendant filed a motion in limine seeking to exclude damages evidence outside the scope of damages recoverable under Arizona's wrongful-death statute. The district court granted the motion in part and denied it in part.

DISPOSITION

other

CASES CITED

- City of Tucson v. Wondergem, 466 P.2d 383, 387 (Ariz. 1970)
- Girouard v. Skyline Steel, Inc., 158 P.3d 255, 259-60 (Ariz. Ct. App. 2007)

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