

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WINSTON GAILLARD, etc.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION 12-0228-WS-N
)	
CITY OF SATSUMA, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the defendant’s five motions in limine. (Docs. 84-88). The plaintiff has filed a response, (Doc. 91), and the motions are ripe for resolution.

The plaintiff has no objection to the first, second, fourth and fifth motions in limine. (Doc. 91 at 1). Accordingly, those motions are **granted**. The plaintiff, his witnesses and his lawyers are restricted according to the tenor of those motions.

The third motion in limine seeks to preclude plaintiff’s expert Anthony Sasso from testifying that, from the car video, he heard the defendant’s vehicle accelerate and then heard the engine die down. (Doc. 86). The defendant states (without offering evidence) that there is no audio on the video, while the plaintiff says there is. (Doc. 91 at 1). It really does not matter whether there is audio or not; it is not good grounds to exclude factual testimony simply because it is wrong. The jury is perfectly capable of determining whether the video includes audio and whether the sounds Sasso says he heard are actually there. The third motion in limine is **denied**.

DONE and ORDERED this 29th day of October, 2014.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE