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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Pasquale Venezia,)	No. CV 07-1511-PHX-SMM
Plaintiff,)	ORDER
vs.)	
Bentley Motors, Inc.,)	
Defendant.)	

Before the Court is Defendant’s Motion for Rule 104 Hearing (Dkt. 140). Defendant requests a Rule 104 evidentiary hearing to address the admissibility of four exhibits.

The Court finds that Defendant has not shown its request is within the ambit of Rule 104, which applies when the admissibility of evidence depends on a preliminary factual finding by the judge. In this case, a Rule 104 hearing would be tantamount to a mini trial. The moving papers do not provide a sufficient justification for a separate hearing. On the other hand, a plan to facilitate the admission of evidence may be discussed at the final pretrial conference. See Fed. R. Civ. P. 16(c)(2), (e). Accordingly,

IT IS HEREBY ORDERED denying Defendant’s Motion for Rule 104 Hearing (Dkt. 140).

DATED this 4th day of November, 2008.



 Stephen M. McNamee
 United States District Judge