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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Sarah Coleman,  
10 Plaintiff,

11 v.

12 City of Tempe, et al.,  
13 Defendants.  
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No. CV-17-02570-PHX-DLR

**ORDER**

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16 In their October 21, 2020 motion for clarification (Doc. 216), Plaintiffs seek  
17 clarification or reconsideration of the Court's October 16, 2020 order (Doc. 213),  
18 particularly its ruling on the parties' fitness-for-duty argument. Defendants filed a response  
19 on November 3, 2020. (Doc. 227.) The Court clarifies its order as follows.

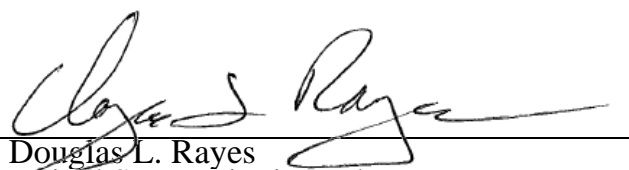
20 In its October 16, 2020 order, when addressing the parties' fitness-for-duty  
21 argument, the Court explained that it had dismissed at summary judgment Plaintiffs'  
22 "Return to Work" claim, insofar as such a claim had been plead at all, and noted that  
23 Plaintiffs therefore could not bring a Return to Work claim at trial. (Doc. 213 at 3.) The  
24 October 16, 2020 order only addressed Defendants' motion to dismiss *claims*. It did not  
25 resolve motion in limine disputes and did not foreclose the introduction of evidence at trial  
26 regarding Lt. Ouimette's fitness for duty or medical history to support existing claims.  
27 Rather, Defendant's Motion in Limine #4, which addresses these issues, remains pending.  
28 (Docs. 144, 224.) Any ruling pertaining to the admissibility of evidence regarding Lt.

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Ouimette’s fitness for duty and medical history is deferred until briefing on Defendants’ motion in Limine #4 is complete.

**IT IS ORDERED** that Plaintiffs’ motion (Doc. 216), insofar as it seeks clarification of the Court’s October 16, 2020 order, is **GRANTED** as described above.

Dated this 13th day of November, 2020.

  
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Douglas L. Rayes  
United States District Judge