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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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DIANA RAUSE, surviving natural mother) of Johnny Mendoza, Jr., deceased,) individually and on behalf of all wrongful death beneficiaries; Gabriel Rodriguez, a single man,

No. CV 07-8076-PCT-SMM

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Plaintiffs,

ORDER

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v.

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Paperchine, Inc., a foreign corporation;) Abitibi Consolidated Sales Corporation, a foreign corporation; Does 1-X; Black Corporations 1-X; and White Partnerships) 1-X,

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Defendants.

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Before the Court is Defendant Paperchine’s Motion in Limine Regarding Occupational Safety and Health Administration (“OSHA”) Investigations or Citations (Doc. 46). Defendant moves the court for an order precluding Plaintiffs from “introducing at trial any evidence, argument, or inference regarding any investigation of the Defendant by OSHA related to this accident, as well as . . . any citation issued to the Defendant as a result of that or any other OSHA investigation.” (Id.) The parties are currently in the discovery phase, with discovery not due to be completed until September 30, 2009 (Doc. 58). Since discovery is still ongoing, the Court finds it is premature to address the motion in limine at this time when the parties are still determining the underlying facts and issues in the case. As a result, the Court will deny Defendant’s

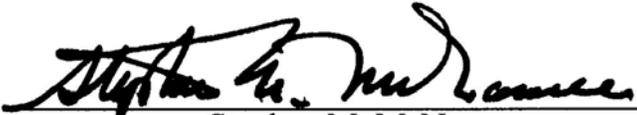
1 Motion in Limine, with leave to refile prior to the Court holding any Final Pretrial
2 Conference.

3 Accordingly,

4 **IT IS HEREBY ORDERED DENYING** Defendant Paperchine’s Motion in
5 Limine Regarding Occupational Safety and Health Administration (“OSHA”)
6 Investigations or Citations (Doc. 46) without prejudice with leave to refile.

7 DATED this 26th day of November, 2008.

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Stephen M. McNamee
United States District Judge