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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 ADAM JIMENEZ,

12 Plaintiff,

13 vs.

14 CALIFORNIA HIGHWAY PATROL  
15 OFFICER L. BUTLER, ETC.,

16 Defendants.  
17

Case No. CIV-F-06-1075 OWW SMS

ORDER RE:  
PLAINTIFF'S MOTIONS IN LIMINE

18 This matter came on for hearing on March 30, 2009 on plaintiff's motions in limine.  
19 After considering the parties' pleadings and argument, the Court hereby rules as follows:

20 1. The plaintiff's motion to exclude any evidence or witnesses not timely disclosed  
21 during discovery is granted and applies equally to all parties, with one exception as indicated  
22 below.

23 The defense belatedly named Aaron Rohner as a non-retained expert. While the Court  
24 does not find good cause to permit Mr. Rohner to testify as an expert, it will permit him to be  
25 called as a percipient witness. Thus, Mr. Rohner may be entitled to testify as to matters within  
26 his personal knowledge but may not render opinions on any issue in this case.

27 Plaintiff reserves the right to make other appropriate objections to Mr. Rohner's  
28 testimony as the case develops.

1           2.       The plaintiff's motion to exclude evidence of (1) any unrelated personnel actions  
2 taken against him as a peace officer, (2) any evidence suggesting that he has ever used  
3 alcohol, and (3) any evidence that the defendant officers have no prior complaints against  
4 them in their official capacities is granted.

5           3.       The plaintiff's motion to exclude the result of the CHP's internal affairs  
6 investigation into the underlying incident as evidence is granted.

7           4.       The plaintiff's motion to preclude the defendants from justifying his detention and  
8 arrest on the basis of any information other than that known to them at the time is granted with  
9 one exception, as indicated below.

10           Blood-alcohol content tests taken by the plaintiff within one day of his arrest may be  
11 admitted, if presented as otherwise competent evidence.

12           5.       Plaintiff's motion to exclude the defendants from presenting lay or expert  
13 opinions on legal issues is granted, and the Court's ruling on this motion applies equally to all  
14 parties.

15           6.       Plaintiff's motion to exclude any lay or expert testimony that purports to opine  
16 as to the credibility of any witness or party is granted, and this ruling also applies to all parties  
17 equally.

18           7.       The plaintiff's motion to exclude any mention of any item that was withheld by  
19 the defense on the basis of privilege is granted. This ruling also applies to all parties equally.

20           8.       The plaintiff's motion to exclude any tangential evidence that might be introduced  
21 to demonstrate bias is denied.

22  
23 IT IS SO ORDERED.

24 **Dated:** March 31, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE