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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16 FRESNO DIVISION

17 **ADAM G. JIMENEZ,** Plaintiff,
18 v.
19 **CALIFORNIA HIGHWAY PATROL**
20 **OFFICER L. BUTLER; CALIFORNIA**
21 **HIGHWAY PATROL OFFICER C.**
22 **PRICOLO; UNKNOWN LAW**
23 **ENFORCEMENT OFFICERS; M. L.**
24 **BROWN COMMISSIONER,**
25 **CALIFORNIA HIGHWAY PATROL,**
26 Defendants.

1:06-CV-01075-OWW-SMS

27 **ORDER RE: DEFENDANTS' MOTIONS**
28 **IN LIMINE**

Jimenez v. Butler, et al.

Doc. 92

27 This matter came on for hearing on March 30, 2009 regarding the parties' motions in
28 limine. After considering the parties' pleadings and argument, the Court rules as follows:

29 (1) Defendants moved to exclude all exculpatory facts not known to Defendants at the
30 time of the stop and arrest. This motion is granted and applies equally to both parties, with one
31 exception. Blood alcohol tests taken within one day of his arrest may be admitted, if presented as
32 otherwise competent evidence.

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1 (2) Defendants moved to permit testimony of non-retained California Highway Patrol
2 employee Aaron Rohner regarding Field Sobriety Testing and Training. Mr. Rohner is not
3 allowed to render expert opinions on any issue related to this case, but may testify to matters
4 within his personal knowledge as a ~~non-retained expert~~ *percipient witness.*

5 (3) Defendants moved to preclude Plaintiff from offering opinion testimony by lay
6 witnesses, including himself. This motion is granted, but lay opinion testimony regarding
7 Plaintiff's sobriety may be permitted given appropriate foundation.

8 (4) Defendants moved to exclude Plaintiff from offering evidence of his own good
9 character. This motion is granted, subject to the provisions of F.R.E. 608 (a), which allows
10 evidence referring to Plaintiff's character for veracity after Plaintiff's character has been attacked
11 by opinion or reputation evidence, and F.R.E. 608 (b).

12 (5) Defendants moved to exclude Plaintiff from offering evidence of prior citizen's
13 complaints of Defendants' misconduct. This motion is granted.

14 (6) Defendants moved to exclude evidence or argument regarding false or inaccurate
15 police report. This motion is granted, with the exception that Plaintiff may be permitted to cross-
16 examine Defendants regarding other reports, if proper foundation is laid and the reports are
17 presented as otherwise competent evidence.

18 (7) Defendants moved to exclude non-party witnesses from the courtroom. This
19 motion is granted *as to all such witnesses.* *or*

20 (8) Defendants moved to exclude any evidence regarding Defendant's salary, net
21 worth, or financial condition. This motion is granted. *for the first phase of the trial*

22 (9) Defendants moved to exclude evidence not disclosed or supplemented. This
23 motion is granted.

24 | IT IS SO ORDERED

Dated: 4-3-29

Oliver W. Wanger
Oliver W. Wanger
United States District Judge SA2007301445

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