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CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
11 FRESNO DIVISION

12  
13 **ADAM G. JIMENEZ,**

14 Plaintiff,

15 v.

16 **CALIFORNIA HIGHWAY PATROL  
17 OFFICER L. BUTLER; CALIFORNIA  
18 HIGHWAY PATROL OFFICER C.  
19 PRICOLO; UNKNOWN LAW  
20 ENFORCEMENT OFFICERS; M. L.  
21 BROWN COMMISSIONER,  
CALIFORNIA HIGHWAY PATROL,**

Defendants.

1:06-CV-01075-OWW-SMS

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

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

24 (1) Defendants moved to exclude all exculpatory facts not known to Defendants at the  
25 time of the stop and arrest. This motion is granted and applies equally to both parties, with one  
26 exception. Blood alcohol tests taken within one day of his arrest may be admitted, if presented as  
27 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.* *omw*

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.* *omw*

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* *omw*  
22 *trial.*

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

25 IT IS SO ORDERED

26 Dated: 4-3-09

  
Oliver W. Wanger  
United States District Judge SA2007301445

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