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9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

12 DAVID AMEZCUA

13 Plaintiff,

14 vs.

15 CITY OF FRESNO, FRESNO POLICE  
 16 DEPARTMENT, FRESNO POLICE OFFICER  
 17 BRYAN WILLIAMS, individually and in his  
 18 official capacity, and DOES 1 through 100,  
 19 inclusive,

20 Defendants.

No. 1:07-CV-01268-OWW (SMS)

**ORDER re DEFENDANTS'  
 NOTICE OF MOTION AND  
 MOTION IN LIMINE NO. 2 re:  
 EXCESSIVE FORCE**

21 APPLICATION FOR AN ORDER TO EXCLUDE EVIDENCE having been  
 22 brought before this Court, the Order to Show Cause came on for hearing by the Court on  
 23 February 27, 2009, in Courtroom 3. Plaintiff appeared by counsel Juan Falcon, and  
 24 Defendants herein appeared telephonically by counsel Bruce D. Praet of Ferguson, Praet  
 25 & Sherman. Evidence, both written and oral, having been considered, and good cause  
 26 appearing therefore:

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1 IT IS HEREBY ORDERED:

2 1. That Plaintiff cannot introduce or present any testimony concerning,  
3 questioning upon, reference to, or any other form of evidence pertaining to any allegation  
4 of excessive force, the use of force or any damages resulting therefrom.

5 2. Plaintiff, his counsel and his witnesses are not to attempt to introduce such  
6 evidence, in any form, and not to suggest, comment directly or indirectly on, or refer to  
7 the evidence in any way, before the jury without first obtaining the Court's permission.

8 3. Plaintiff's counsel is to caution, warn and instruct Plaintiff's witnesses not  
9 to make any reference to such evidence and to follow the same order.

10 Dated: February 9, 2009

11  
12 /s/ OLIVER W. WANGER  
13 Honorable Oliver W. Wanger  
14 United States District Court Judge  
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