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

JODI MANSER,

CASE NO. CV-F-08-1250 LJO SMS

Plaintiffs,

**ORDER ON MOTIONS IN LIMINE**

vs.

SIERRA FOOTHILLS PUBLIC  
UTILITY DISTRICT; et al.,

Defendants.

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This Court conducted a hearing on the parties' motions in limine on April 20, 2010 at 8:00 a.m. in Courtroom 4 (LJO). Plaintiff appeared by counsel Jared Hague. Defendant appeared by counsel James Betts and Joseph Rubin.

The Court read and reviewed plaintiff's and defendant's motions in limine and oppositions, including the supporting documents. The Court further considered the arguments of all counsel on the record at the hearing. The Court ruled from the bench on most of the motions and incorporates those rulings herein. For the reasons described on the record and in this order, the Court issues the following written order on the plaintiff's and defendant's motions in limine.

**Plaintiff's Motions in Limine**

**1. Exclude evidence of plaintiff's alleged alcohol consumption**

The Court GRANTS this motion on the issue of disability. The Court DENIES the motion on the issue of retaliation.

- 1 **2. Exclude evidence of plaintiff’s job performance**
- 2 a. “Complainer:” The motion is DENIED to the extent that defendant may offer evidence
- 3 that she was a complainer, but may not offer specifics, unless and until the door is
- 4 opened by plaintiff.
- 5 b. “Going around:” For the reasons stated on the record, the motion is GRANTED.
- 6 c. Using sick leave for improper purposes: For the reasons stated on the record, the motion
- 7 is GRANTED.
- 8 **3. Exclude Heather Stieler’s personal experiences relating to kidney infections, broken ribs,**
- 9 **or the treatment**
- 10 For the reasons stated on the record, the motion is GRANTED.
- 11 **4. Exclude Complaints made against plaintiff by patrons of the Riverbend Golf Club**
- 12 For the reasons stated on the record, the motion is GRANTED, without prejudice, unless and
- 13 until the door is opened by plaintiff.
- 14 **5. Exclude evidence of claims or parties previously dismissed by plaintiff**
- 15 For the reasons stated on the record, the motion is GRANTED. There will be no mention, either
- 16 of former defendants or claims against them. The investigator may testify, however, as to what he did
- 17 as to the claims in the action, what he did not do, and the reasons for both.
- 18 **6. Exclude evidence of disciplinary actions or performance issues taken against plaintiff**
- 19 **before October 26, 2007**
- 20 For the reasons stated on the record, the motion is DENIED.
- 21 **7. Exclude evidence of the cleanliness or safeness of Riverbend Golf Café after her**
- 22 **termination**
- 23 For the reasons stated on the record, the motion is DENIED.
- 24 **8. Exclude evidence of defendant’s reliance on advice of counsel**
- 25 For the reasons stated on the record, the motion is DENIED.
- 26 **9. Exclude evidence of trading of shifts between employees**
- 27 For the reasons stated on the record, the motion is DENIED as moot.
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**Defendant's Motions in Limine**

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- 1. Exclude witnesses from the Courtroom and provide 24 hour notice of identities of witnesses**  
For the reasons stated on the record, the motion is GRANTED.
  - 2. Exclude Character Evidence about Plaintiff**  
For the reasons stated on the record, the motion is GRANTED.
  - 3. Exclude evidence of other lawsuits and/or employee grievances involving defendant**  
For the reasons stated on the record, the motion is GRANTED.
  - 4. Limit plaintiff's introduction of evidence not identified in discovery**  
For the reasons stated on the record, the motion is GRANTED.
  - 5. Exclude evidence of a serious health condition or disability**  
For the reasons stated on the record, the motion is DENIED, procedurally. Plaintiff is precluded from self diagnosing.
  - 6. Exclude evidence of defendant's purported "failure to engage in the interactive process"**  
For the reasons stated on the record, the motion is GRANTED.
  - 7. Exclude plaintiff's claim of retaliation**  
For the reasons stated on the record, the motion is DENIED.
  - 8. Exclude plaintiff or witnesses from testifying that she was discriminated against or was the subject of "discrimination"**  
For the reasons stated on the record, the motion is GRANTED.
  - 9. Exclude argument to Jury of "similar injuries"**  
For the reasons stated on the record, the motion is GRANTED.
- IT IS SO ORDERED.

**Dated:** April 20, 2010

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE