

1 **DANIEL L. HARRALSON, #109322**

Daniel L. Harralson Law Corporation

2 P.O. Box 26688

Fresno, California 93729-6688

3 Telephone: (559) 486-4560

4 Facsimile: (559) 486-4320

5 Attorney for Plaintiffs: John Justin James

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTER DISTRICT OF CALIFORNIA**

10
11 JOHN JUSTIN JAMES,

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13 Plaintiffs,

14 vs.

15 SHANT SHEKLANIAN, JASON GUTKNECHT,
16 CITY OF MADERA and DOES 1 to 100,
17 INCLUSIVE,

18 Defendants.

) Case No. 1:08-CV-01943 OWW-GSA
)
)

) **ORDER**
) **RE: MOTIONS IN LIMINE OF PLAINTIFF**
) **JOHN JUSTIN JAMES**

) Complaint Filed: 12/17/2008
) Trial: 04/20/2010
)
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20 The Motions in Limine of Plaintiff, JOHN JUSTIN JAMES, came on for hearing on April 13, 2010
21 in Department 3 of the United States District Court.

22 Motion in Limine No. 1 – to preclude/exclude evidence of Plaintiff’s Group Affiliation(s), is
23 **GRANTED**

24 Motion in Limine No. 2 – to preclude/exclude photos, mention or evidence of Plaintiff’s Tattoos, is
25 **GRANTED**

26 Motion in Limine No. 3 – to preclude/exclude evidence of prior arrests of Plaintiff, is **GRANTED**

27 Motion in Limine No. 4 – to preclude/ exclude evidence of any alleged prior involvement in similar

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Order Re: Plaintiff’s Motions in Limine of Plaintiff John Justin James
James v. Sheklanian # 1:08-CV-01943 – OWW-GSA

1 incidences or alleged acts of violence related to Plaintiff, is GRANTED

2 Motion in Limine No. 5 – to introduce evidence of Plaintiff’s peacemaking activity prior to and at
3 the time the officers arrived, is GRANTED, however, the jury will be instructed that the officers are not
4 tasked with knowledge of Plaintiff’s actions prior to their arrival.

5 Motion in Limine No. 6 – to introduce the digital video recording of the entire incident prior to,
6 during, and after the incident is reserved pending presentation of further evidence on the issue April 19,
7 2010 at 3:00 PM in Courtroom # 3 of The United States Federal Courthouse.

8 Motion in Limine No. 7 – to introduce evidence that the charges levied against Plaintiff were
9 dismissed by the Madera District Attorney’s Office, is GRANTED: however, it is limited to the introduction
10 of the dismissal and the date it occurred. The Jury will be instructed that the evidence is introduced for a
11 limited purpose. Further, Counsel is precluded from arguing or inferring that the dismissal by the District
12 Attorney’s office is conclusive evidence that Plaintiff’s arrest was unlawful.

13 Motion in Limine No. 8 – to introduce evidence of the Madera Police Department’s failure /refusal to
14 conduct an administrative investigation of the underlying incident, is GRANTED to the extent that evidence
15 may show a failure to produce stronger evidence, i.e. seek and obtain the digital video recording of the
16 incident, a cover up of the true facts, assuming the investigating officer knew or should have known of the
17 digital recording, similar digital recordings had been requested and provided to the Madera Police
18 Department on a prior occasion.

19 Motion in Limine No. 9 – to introduce prior similar acts, conduct or incidences that Defendant
20 Shaklanian has been involved in, is DENIED

21 Motion in Limine No. 10 – to preclude evidence not produced in discovery, is GRANTED

22 Motion in Limine No. 11 – to preclude impermissible hearsay, is GRANTED

23 Motion in Limine No. 12 – to exclude non-party witnesses from the Courtroom, is GRANTED

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IT IS SO ORDERED.

Dated: April 20, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE