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 11 C.B.

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 C.B., a minor,

15 Plaintiff,

16 v.

17 CITY OF SONORA; CHIEF OF POLICE
 18 MACE MCINTOSH; OFFICER HAL
 19 PROCK

20 Defendants.

Case No. 1:09-CV-00285-OWW-SMS

**ORDER GRANTING IN PART AND
 DENYING IN PART PLAINTIFF'S
 MOTION IN LIMINE**

Date: 5/12/11
 Time: 12:00 a.m.
 Courtroom: 3
 Hon.: Oliver W. Wanger

Action filed: 2/13/09
 Trial Date: 07/06/11

21 Plaintiff's Motion in Limine was heard by this Court on May 12, 2011, the Honorable
 22 Oliver W. Wanger presiding.

23 The Court, having read the supporting and opposing papers, and having heard oral
 24 arguments at the hearing, and good cause appearing, orders as follows:
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26 **IT IS HEREBY ORDERED that:**
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 28

1 1. Evidence of prior conduct of the Plaintiff, namely the 2006 incident at Sonora
2 Elementary School, is impermissible character evidence to the extent it is offered for the purpose of
3 establishing Plaintiff's conduct or state of mind on September 29, 2008. Defendants are prohibited
4 from introducing arguments to that effect at trial.

5 2. Evidence of prior conduct of the Plaintiff, namely the 2006 incident at Sonora
6 Elementary School, will be admissible, over Plaintiff's objections thereto, if and only if the Plaintiff
7 puts into issue of the state of mind of Karen Sinclair in deciding to call the police department.
8 Karen Sinclair will be limited to testifying that Plaintiff told her in 2006 that he wanted to run into
9 traffic. The parties agree that if this testimony is given, a limiting instruction will issue to the jury
10 instructing them that they may only consider the testimony for purposes of weighing whether Karen
11 Sinclair had a good faith reason to call the police department and that the law prohibits them from
12 considering the testimony for the purposes of determining whether the police officers had
13 reasonable suspicion or probable cause to detain Plaintiff.

14 3. The parties are prohibited from using the words "suicide" or "suicidal" in
15 reference to the 2006 incident or Plaintiff's conduct or state of mind on September 29, 2008 and
16 shall not solicit such testimony from any witnesses at trial.

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18 IT IS SO ORDERED.

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20 Date: June 14, 2011

/s/ OLIVER W. WANGER

United States District Court Judge