

1 Cornelius J. Callahan, Esq. #202585
 BORTON PETRINI, LLP
 2 1104 12th Street
 Modesto, California 95354
 3 Telephone: (209) 576-1701

4 Attorneys for Defendant,
 CITY OF SONORA, CHIEF OF POLICE
 5 MACE MCINTOSH and OFFICER HAL PROCK

6
 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

11 C.B., a minor,
 12
 Plaintiff
 13 v.
 14 SONORA SCHOOL DISTRICT; KAREN
 SINCLAIR; CITY OF SONORA; CHIEF OF
 15 POLICE MACE MCINTOSH; OFFICER
 HAL PROCK; DOES 1-10,
 16
 Defendants
 17

Case No. 1:09-CV-00285-OWW-SMS
**ORDER ON MOTIONS IN LIMINE
 BROUGHT BY DEFENDANTS CITY
 OF SONORA, CHIEF OF POLICE
 MAC MCINTOSH AND OFFICE HAL
 PROCK**
 DATE: July 6, 2011
 DEPT: 3
 JUDGE: Hon. Oliver W. Wanger

18
 19 Defendants' Motions in Limine came on regularly for hearing by this Court on May
 20 12, 2011, the Honorable Oliver W. Wanger presiding.

21 The Court, having read the supporting and opposing papers, and having heard the
 22 arguments at the hearing, and good cause appearing, orders as follows:

23 IT IS HEREBY ORDERED that:

- 24 1. Defendants' Motions in Limine Numbers 1 and 4 are WITHDRAWN.
 25 2. Defendants' Motions in Limine Numbers 2 and 3 are GRANTED.
 26 3. Defendants' Motions in Limine Number 7 is GRANTED IN PART and
 27 DENIED IN PART. Chief McIntosh and Officer Prock's P.O.S.T. training records are admissible
 28 evidence as long as personally identifying information is redacted. No other personnel records or file

1 will be admissible into evidence.

2 4. Defendants' Motions in Limine Number 6 is GRANTED IN PART and
3 DENIED IN PART. Plaintiff will not seek to introduce into evidence any prior litigation or discipline
4 against defendants. Evidence and testimony as to other incidences of handcuffing of students at the
5 Sonora Elementary School is admissible.

6 5. Defendants' Motions in Limine Number 5 in DENIED as to defendants'
7 contention that Dr. Martinelli is unqualified. However, it is ORDERED that neither parties' police
8 practices expert will improperly opine as to conclusions of law, conclusions of fact or credibility of
9 witnesses that usurp the role of the Court or the Jury and no Rule 26 reports will be admitted into
10 evidence.

11
12 IT IS SO ORDERED.

13
14 DATED: June 27, 2011

15
16 /s/ OLIVER W. WANGER
United States District Judge

17
18
19
20
21
22
23
24
25
26
27
28