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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT EARL SAMUELS,

CASE NO. 1:09-cv-01320-SAB PC

Plaintiff,

**ORDER REGARDING DEFENDANTS’
MOTION IN LIMINE AND OBJECTIONS
TO PRETRIAL ORDER**

v.

G. ADAME, et al.,

ECF Nos. 85, 86

Defendants.

_____/

Plaintiff Robert Earl Samuels (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This case is proceeding on Plaintiff’s first amended complaint, filed December 31, 2009, against Defendants G. Adame, P. Gentry, B. Medrano, R. Nicholas, F. Rivera, E. Sailer, and D. Snyder for excessive force, and against Defendant C. Farnsworth for deliberate indifference to a serious medical need in violation of the Eighth Amendment. This matter is set for jury trial on March 12, 2013 before the undersigned.

On March 4, 2013, a telephonic pretrial hearing was held. Plaintiff appeared representing himself in the matter. Defense counsel Diana Esquivel appeared on behalf of Defendants. The Court makes the following ruling with regard to Defendants’ motion for limine filed February 11, 2013:

I. Offering Opinions About Medical Conditions

Defendants object to Plaintiff offering any evidence concerning his current medical and mental-health conditions, or offering opinions or making inferences whether his current conditions were caused or are related to this incident.

Ruling: The Court tentatively grants Defendants’ motion in limine. Medical opinions

1 require specialized knowledge of an expert. Fed. R. Evid. 701, 702. The Plaintiff may testify as to
2 his medical conditions but shall not offer evidence, whether through exhibits or testimony, of others'
3 opinions, diagnoses and prognoses related to Plaintiff's medical conditions.

4 **II. References to Claims and Defendants That Were Dismissed**

5 Defendants object to Plaintiff introducing testimony or other evidence unrelated to the claims
6 at issue in this action, or any claims that were previously dismissed.

7 **Ruling:** The Court tentatively grants Defendants' motion in limine. Evidence of unrelated
8 or dismissed claims and Defendants are irrelevant to this proceeding. Fed. R. Evid. 401, 402, 403.

9 **III. Evidence that Defendants Are Parties In Other Lawsuits**

10 Defendants object to the introduction of evidence or other testimony concerning allegations
11 made against Defendants, including other complaints of excessive force.

12 Plaintiff seeks to introduce evidence regarding prior or pending lawsuits, namely against
13 Defendants G. Adame and B. Medrano. The proposed evidence against G. Adame concerned his
14 alleged fabrication of a report in another lawsuit. The proposed evidence against B. Medrano
15 concerned Medrano's alleged use excessive of force in another lawsuit.

16 **Ruling:** The Court tentatively grants Defendants' motion in limine with respect to Defendant
17 G. Adame. Such evidence is impermissible under Rule 404 of the Federal Rules of Evidence. The
18 Court reserves ruling on this issue with respect to Defendant Medrano. However, with respect to
19 Defendant Medrano, Plaintiff shall not seek to introduce such evidence without first obtaining a
20 ruling from the Court outside the presence of the jury.

21 **IV. Evidence of Offer to Compromise**

22 Defendants object to the introduction of any evidence regarding an offer of compromise.
23 Plaintiff does not oppose.

24 **Ruling:** The Court grants Defendants' motion in limine. Fed. R. Evid. 408.

25 **V. Evidence That State May Pay Judgment**

26 Defendants object to the introduction of any evidence that Defendants may be indemnified
27 by the State if judgment should be entered against them.

28 **Ruling:** The Court grants Defendants' motion in limine.

