

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

SONA VARTANIAN,

Plaintiff,

vs.

EDWARD ESSEGIAN,

Defendant.

CASE NO. CV F 09-1409 LJO JLT

**ORDER ON THE PARTIES' MOTIONS IN
LIMINE**
(Docs. 193, 194.)

In this action, the remaining issue/claim is whether defendant Fresno County Deputy Sheriff Edward Essegian ("Deputy Essegian") used excessive force to point his service handgun at plaintiff Sona Vartanian ("Ms. Vartanian") during execution of a search warrant at Pacific Marine Center, Inc. ("PMC"). This Court conducted a December 19, 2011 hearing on the parties' respective motions in limine. Ms. Vartanian appeared by counsel Richard Hamlish. Deputy Essegian appeared by counsel Valerie Velasco. This Court issues the following rulings on the parties' motions in limine and incorporates the its reasons stated on record during the hearing.

Ms. Vartanian's Motion In Limine No. 1 To Bar Evidence Regarding Her 1999 Grand Jury Testimony: This Court DENIES the motion in limine and ADOPTS the reasoning set forth in U.S. Magistrate Judge Jennifer Thurston's May 18, 2011 order (Doc. 140, 141).

Deputy Essegian's Motion In Limine No. 1 To Bar Evidence of PMC's Damages: This Court DENIES the motion in limine.

Deputy Essegian's Motion In Limine No. 2 To Bar Evidence of Ms. Vartanian's Emotional Distress Damages: This Court DENIES the motion in limine.

1 **Deputy Essegian’s Motion In Limine No. 3 To Bar Opinions Of Ms. Vartanian’s Treating**

2 **Physicians:** This Court DENIES without prejudice the motion in limine in that Ms. Vartanian’s treating
3 physicians may testify as to their treatment and diagnosis but may not testify as to their prognoses, unless
4 their respective prognoses were necessary to treat Ms. Vartanian’s ongoing symptoms and/or condition.

5 **Deputy Essegian’s Motion In Limine No. 4 To Permit Only Eye Witnesses At The Scene:**

6 This Court GRANTS the motion in limine and as to events on August 10, 2009 subjecting Deputy
7 Essegian to potential liability, PERMITS only eye witnesses at the scene.

8 **Deputy Essegian’s Motion In Limine No. 5 To Bar “Golden Rule” Damages Comments:**

9 This Court GRANTS the motion in limine and BARS “Golden Rule” Damages comments.

10 **Deputy Essegian’s Motion In Limine No. 6 To Bar Evidence Of Liability Insurance:**

11 This Court GRANTS the motion in limine and BARS evidence of liability insurance and that Deputy
12 Essegian is covered by liability insurance.

13 **Deputy Essegian’s Motion In Limine No. 7 To Bar Evidence Of Indemnification:**

14 This Court GRANTS the motion in limine and BARS evidence that the County of Fresno indemnifies Deputy
15 Essegian.

16 **Deputy Essegian’s Motion In Limine No. 8 To Exclude Non-Party Witnesses:**

17 This Court GRANTS the motion in limine and BARS non-party witnesses.

18 **Deputy Essegian’s Motion In Limine No. 9 To Bar Evidence of Personnel Records Of**

19 **Deputy Essegian And Other Testifying Law Enforcement Officers:** This Court GRANTS the motion
20 in limine and BARS personnel records of Deputy Essegian and other testifying law enforcement officers,
21 including internal affairs investigations and administrative or other employment actions.

22 **Ms. Vartanian’s Omitted Accountant Witness:**

23 Ms. Vartanian omitted from her pretrial
24 statement the accountant who prepared PMC tax returns. This Court PERMITS the accountant to testify
25 only insofar as to authenticate the tax returns and their preparation and as to limited matters reflected
26 on the tax returns, such as losses.

26 **U.S. Magistrate Judge Consent:**

27 As noted during the hearing, a criminal trial is set before this
28 Court on January 10, 2012, the day of trial for this action. The criminal trial takes precedence over this
action and will be conducted first. To assure the January 10, 2012 trial for this action, the parties will

1 need to consent to the conduct of trial and further proceedings by a U.S. Magistrate Judge. The parties
2 shall contact chambers at 499-5680 if they so consent.

3 IT IS SO ORDERED.

4 **Dated:** December 19, 2011

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28