

1 Daley & Heft, LLP, Attorneys at Law
 2 Neal S. Meyers, Esq. (SBN 109625)
 3 Golnar J. Fozi, Esq. (SBN 167674)
 4 Matthew T. Racine, Esq. (SBN 256865)
 5 462 Stevens Avenue, Suite 201
 6 Solana Beach, CA 92075
 7 Tel: (858) 755-5666 / Fax: (858) 755-7870
 8 E-mail: nmeyers@daley-heft.com
 9 gfozi@daley-heft.com
 10 mracine@daley-heft.com

11 Attorneys for Defendants Merced Irrigation District;
 12 Dan Pope, and Robert Blum

13 Lawrence D. Murray (SBN 77536)
 14 Murray & Associates
 15 1781 Union Street
 16 San Francisco, CA 94123
 17 Tel: (415) 673-0555 / Facsimile: (415) 928-4084
 18 E-mail: daydrmn@aol.com

19 Dean B. Gordon (SBN 61311)
 20 Law Office of Dean B. Gordon
 21 1220 East Olive Avenue
 22 Fresno, CA 93728
 23 Tel: (559) 221-7777 / Fax: (559) 221-6812
 24 E-mail: Dean@DeanGordonLaw.com

25 Attorneys for Plaintiff Rodrigo Flores

26 **UNITED STATES DISTRICT COURT**
 27 **EASTERN DISTRICT, FRESNO DIVISION**

19	RODRIGO FLORES,)	Case No. 1:09-CV-01529-LJO-DLB
20	Plaintiff,)	JOINT STIPULATION RE DISPUTED EVIDENTIARY ISSUES FOR TRIAL; ORDER THEREON
21	v.)	
22	MERCED IRRIGATION DISTRICT, a)	
23	public entity, DAN POPE, and ROBERT)	JUDGE: Lawrence J. O'Neill
24	BLUM,)	COURTROOM: 4
25	Defendants.)	

26 Merced Irrigation District ("Defendant" or "MID") and Rodrigo Flores ("Plaintiff"), by and
 27 through their respective attorneys of record, hereby stipulate to and request the Court enter an
 28 order regarding certain disputed evidentiary issues at trial.

1 In its Pretrial Order, this Court ordered that the parties meet and confer regarding proposed
2 motions in limine. (Document 80, p. 18.) Counsel for the parties met and conferred in person on
3 January 25, 2011. As a result of that meeting, the parties have agreed to the following:

4 1. Plaintiff has agreed to withdraw any claim of entitlement to punitive damages from
5 Defendant MID.

6 2. The parties have agreed that they will not make any reference at trial to the lawsuit
7 filed by Belinda Almeida against Defendant MID.

8 3. Plaintiff has agreed that he will not make any references at trial to the alleged
9 Higgins/Cavazos relationship and plaintiff's alleged harassment by Higgins as a result of an
10 incident in which Veronica Cavazos allegedly came to work intoxicated.

11 4. Plaintiff has agreed that he will not make any references at trial to a corporate
12 culture at MID of male supervisors engaging in flirting or giving of sexual favors with female staff
13 or to allegations that white male supervisors at the MID have "surrounded themselves with ...
14 attractive white and light-skinned Hispanic females."

15 5. Plaintiff has agreed not to present at trial any testimony of physicians, Dr. Jack
16 Newins and Dr. Al Montoya.

17 6. Defendant has agreed that it will not make any reference at trial that there exists
18 a "liability" crisis, excessive number of lawsuits, excessive jury verdicts, bad for business, burden
19 on tax payers, liability insurance and/or runaway juries.

20 7. Defendant has agreed that at trial it will not make any reference to or use any
21 pleadings, testimony, questions, and/or arguments concerning Mr. Flores' fee agreement with
22 counsel.

23 8. Defendant has agreed that it will not make any reference at trial to the tax
24 consequences of a monetary award to Plaintiff.

25 9. Defendant has agreed that it will not make any reference in the presence of the jury
26 to this Court's ruling on MID's Motion for Summary Judgment.

27 10. The parties have agreed that at trial they will not make any reference to or make
28 use of any evidence or testimony not previously produced during discovery or answered in

1 responses to discovery in the matters of *Lamonte Tumbling v. Merced Irrigation District* (1:08-cv-
2 01801-LJO-DLB) and *Rodrigo Flores v. Merced Irrigation District* (1:09-cv-01529-LJO-DLB).

3 Dated: January 31, 2011

Murray & Associates

4
5 By: s/Lawrence D. Murray
Lawrence D. Murray
Robert Strickland
6 Attorneys for Plaintiff Rodrigo Flores
E-mail: daydrmn@aol.com

8 Dated: January 31, 2011

Law Office of Dean B. Gordon

9
10 By: s/Dean B. Gordon
Dean B. Gordon
Attorneys for Plaintiff Rodrigo Flores
11 E-mail: Dean@DeanGordonLaw.com

12 Dated: January 31, 2011

Daley & Heft, LLP

14 By: s/Golnar J. Fozi
Neal S. Meyers
Golnar J. Fozi
Matthew T. Racine
15 Attorneys for Defendants Merced Irrigation
16 District; Dan Pope, and Robert Blum
17 E-mail: nmeyers@daley-heft.com
gfozi@daley-heft.com
18 mracine@daley-heft.com

19
20 **ORDER ON STIPULATION FOR ORDER**

21 **HAVING READ AND CONSIDERED THE FOREGOING**, and good cause appearing:

22 The foregoing is the order of the court.

23 **IT IS SO ORDERED.**

24
25 IT IS SO ORDERED.

26 **Dated: February 1, 2011**

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