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 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 JOHN BERNAT,	}	CASE NO. 1:10-CV-00305-OWW-JLT
11 Plaintiff,		
12 vs.	}	ORDER ON PLAINTIFF'S MOTION
13 CITY OF CALIFORNIA CITY,		IN LIMINE NO. 2
14 OFFICER STANDISH		
15 KNOWLTON BADGE #53024 AND		
16 LT. ERIC HURTADO BADGE	}	TRIAL: 4/26/2011
#53012, and DOES 1 through 10,		CTRM: 3
17 inclusive,		
18 Defendants.		

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 20 The motion for Plaintiff's Motion in Limine No. 2 for an order excluding the
 21 testimony of Robert Fonzi or in the alternative excluding any testimony the credibility of
 22 any witness came for hearing on April 8, 2011 at 12:00 p.m. before the Honorable
 23 OLIVER W. WANGER, United States District Judge.

24 The court, having read and considered the moving and opposing papers, and
 25 having considering the oral arguments of counsel , HEREBY ORDERS as follows:

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1 The Motion to Exclude the testimony of Robert Fonzi, is GRANTED in part and
2 DENIED in Part.

3 The expert witness Robert Fonzi will be allowed to testify. However, said witness
4 will not offer any opinion regarding the credibility of any witness nor will he be able to
5 offer any legal conclusions about the case.

6 Any party proposing a hypothetical question to the expert, must not include any
7 fact which which the offering party has no reasonable or legal basis of proving.

8 The defendants and their attorneys of record are hereby ordered not to inquire or
9 mention any testimony regarding the credibility of any witness with expert witnesses
10 requiring the expert to opine about credibility or have their expert offer any legal
11 conclusions on the case itself.

12 All parties are hereby ordered that if they offer any hypothetical question, any and
13 all facts contained in the question, must have a reasonable and legal basis of being proved.

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15 IT IS SO ORDERED.

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18 DATED: April 22, 2011

/s/ OLIVER W. W ANGER
UNITED STATES DISTRICT JUDGE

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