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

**ELIDA ARIAS and JOSE M.
MARTINEZ,**

Plaintiffs,

v.

JULIO AMADOR, et al.,

Defendants.

1:12-CV-00586 LJO SAB

**ORDER RE: DEFENDANTS' MOTIONS IN
LIMINE (Doc. 54)**

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I. INTRODUCTION

This case concerns the circumstances surrounding the April 15, 2010 arrest and detention of Plaintiffs Elida Arias and Jose J. Martinez by Ceres Police Department ("CPD") Officers. Plaintiffs advance five causes of action under 42 U.S.C. § 1983, including unlawful arrest, use of excessive force, failure to intercede and failure to provide medical care. Defendants Officers Julio Amador, Debra Borges, Jason Coley, Pat Dayton, Bryan Ferreira, Jon Vera, Art De Werk and the City of Ceres submitted motions in limine on December 30, 2014. Defs.' Mot. in Limine, Doc. 54. Plaintiff did not oppose the motions. Having reviewed Defendants' submission, the Court VACATES the hearing scheduled for January 12, 2015.

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II. DISCUSSION

A. Evidence Not Produced During Discovery

Defendants seek to prohibit admission of evidence not produced during discovery. This request is GRANTED with the caveat that such evidence may be admitted for the purpose of a true rebuttal.

B. Comments Regarding Damages

Defendants seek to preclude comments that counsel or witnesses may make suggesting that jurors should base Plaintiffs' damages (if any) on an amount that jurors would charge to endure similar

1 injuries on the basis that such comments are prohibited and create a substantial danger of undue
2 prejudice. The Court GRANTS this request.

3 **C. Evidence of Liability Insurance**

4 Defendants move to exclude evidence concerning the insurance of Defendants' employer, the
5 City of Ceres. The Court GRANTS this request.

6 **D. Exclusion of Non-Party Witnesses From the Courtroom**

7 Defendants request that non-party witnesses be excluded from being present in the courtroom
8 during trial related proceedings, pursuant to Federal Rule of Evidence 615. The Court GRANTS this
9 request.
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11 **E. Impermissible Lay Witness Testimony**

12 Defendants seek to preclude non-expert lay witnesses from offering testimony regarding police
13 practices, medical causation, or the reasonableness of medical damages on the basis that lay witnesses
14 have not been disclosed as experts and lack sufficient expertise in these subjects. The Court GRANTS
15 this request.

16 **F. Evidence of Other Lawsuits**

17 Defendants move to preclude evidence of other lawsuits against Defendants or any City of
18 Ceres police officer or other incidents involving the City of Ceres Police Department. The Court
19 GRANTS this request subject to the following limitation: testimony regarding these issues shall not be
20 offered in front of the jury unless a motion is first made outside the presence of the jury.
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1 **G. Personnel Matter**

2 Defendants seek to exclude questions regarding personnel matters, prior complaints concerning
3 job performance or prior disciplinary issues as to Defendant CPD officers or any other CPD officer
4 who testifies in this matter. This request is GRANTED with the caveat that questions may be asked and
5 evidence may be admitted for the purpose of a true rebuttal.
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8 **III. ORDER**

9 The Court GRANTS Defendants' motions in limine, subject to limitations discussed above. The
10 hearing scheduled for January 12, 2015 is VACATED.

11 **SO ORDERED**

12 **Dated: January 6, 2015**

13 **/s/ Lawrence J. O'Neill**
14 **United States District Judge**
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