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

**WILLIAM JAKE MILLER, individually and
dba MILLER HAY CO.,**

Plaintiff,

v.

S&S HAY CO., et al.,

Defendants.

1:12-cv-1796-LJO-SMS

**ORDER RE PLAINTIFF'S MOTIONS
IN LIMINE (Doc. 59)**

12 A jury trial is set for this case on November 4, 2014. Doc. 58. On October 6, 2014, Plaintiff
13 William Jake Miller ("Plaintiff") filed unopposed motions in limine. Doc. 59; *see also* Doc. 58. The
14 October 20, 2014 hearing set for the matter was vacated and the matter was submitted on the pleadings
15 pursuant to Local Rule 230(g). Doc. 60. The Court rules on Plaintiff's motions in limine as follows:

- 16 1. Plaintiff's first motion in limine requesting that "no witness . . . should be permitted to testify as
17 an expert witness, with the exception of lay opinion testimony permissible under Federal Rule of
18 Evidence 701," Doc. 59 at 1, is GRANTED.
- 19 2. Plaintiff's second motion in limine requesting that "[t]estimony that purports to opine as to the
20 credibility of any witness, evidence or party is simply improper and should be excluded," *id.*, is
21 GRANTED.
- 22 3. Plaintiff's third motion in limine requesting that "the defendants should not be able to argue that
23 this case is somehow legally improper by virtue of the prior action and judgment" in the
24 "underlying Kings County Superior Court action" between the parties, *id.* at 1-2, is GRANTED.
- 25 4. Plaintiff's fourth motion in limine requesting that "[a]ny settlement offers or responses thereto
26 are inadmissible under [Fed. R. Evid.] 408," *id.* at 2, is GRANTED.

1 5. Plaintiff's fifth motion in limine requesting that "Plaintiff's collateral sources of compensation
2 for the alleged loss" be excluded as inadmissible under California law and Fed. R. Evid. 403, *id.*,
3 is GRANTED.

4 6. Plaintiff's sixth and final motion in limine requesting that under Fed. R. Evid. 408 "the Court
5 require the parties to specify which, if any of their claims or affirmative defenses are being
6 abandoned," *id.*, is GRANTED. The parties are ORDERED to specify in writing which, if any,
7 of their claims or affirmative defenses they are abandoning on or before 12:00 P.M. (noon) on
8 October 24, 2014.

9
10 IT IS SO ORDERED.

11 Dated: October 17, 2014

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