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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL DILLMAN, and STEPHEN
DILLMAN,

Plaintiffs,

v.

DEPUTY DAVID VASQUEZ,

Defendant.

Case No. 1:13-cv-00404-SKO

**ORDER ON DEFENDANT’S MOTIONS
IN LIMINE AND OBJECTIONS TO
PLAINTIFF’S EXHIBITS**

(Docs. 140, 149)

On May 4, 2015, the Court conducted a hearing on Defendant’s motions in limine (“MILs”). (Docs. 140; 149.) Plaintiffs Michael Dillman and Stephen Dillman (collectively “Plaintiffs”) appeared through their counsel, Joseph L. Wright, Esq., and Defendant Deputy David Vasquez (“Defendant”) appeared through his counsel, James T. Anwyl, Esq., and Lynn A. Garcia, Esq. As set forth in open court at the May 4, 2015 hearing, the Court issues the following rulings on Defendant’s MILs and objections to Plaintiffs’ final exhibit list.

A. Defendant’s Motions in Limine

On April 28, 2015, Defendant filed his MIL to exclude Michael Dillman’s testimony regarding his own Post-Traumatic Stress Disorder (Doc. 140), and on May 1, 2015, Defendant filed his supplemental brief to MIL No. 15 and objection to any testimony concerning Post-Traumatic Stress Disorder or any treatment therefor (Doc. 149). Plaintiffs did not file any opposition.

1 At the hearing on May 4, 2015, the Court gave Plaintiffs the opportunity to oppose the
2 motions in open court and on the record, and Plaintiffs conceded both motions. The Court rules as
3 follows:

4 **1. Defendant's MIL No. 15** - As Plaintiffs have stipulated this motion may be
5 granted, the Court GRANTS Defendant's request to any testimony concerning Michael Dillman's
6 diagnosis of Post-Traumatic Stress Disorder or any treatment as a result of that diagnosis.

7 **2. Defendant's MIL No. 18** - As Plaintiffs have stipulated this motion may be
8 granted, the Court GRANTS Defendant's request to exclude any testimony by Michael Dillman
9 regarding his own Post-Traumatic Stress Disorder.

10 **B. Defendant's Exhibits to Plaintiffs' Final Exhibit List**

11 On April 24, 2015, Plaintiffs filed their final exhibit list, including for the first time as
12 exhibits copies of the California Department of Motor Vehicles website and two sections of the
13 California Vehicle Code. (Doc. 128.) On April 27, 2015, Plaintiffs filed their Request for Judicial
14 Notice asking this Court to take judicial notice of "the California Vehicle Code and DMV Vessel
15 Registration Requirements." (Doc. 137.) On April 28, 2015, Defendant filed his objections to
16 Plaintiffs' final exhibit list. (Doc. 144.) Plaintiffs did not file any opposition.

17 At the hearing on May 4, 2015, the Court gave Plaintiffs the opportunity to oppose
18 Defendant's objections in open court and on the record, and Plaintiffs stipulated to withdraw all
19 their exhibits and withdraw the Request for Judicial Notice. The Court rules as follows:

20 **1. Plaintiffs' Exhibit P-201** – As Plaintiffs have stipulated to withdraw this exhibit,
21 the Court SUSTAINS Defendant's objection to Plaintiffs' Exhibit P-201, a letter of admission to
22 the Veteran's Affairs Department Men's Trauma Recovery Rehabilitation Program, dated
23 September 2012.

24 **2. Plaintiffs' Exhibit P-202** – As Plaintiffs have stipulated to withdraw this exhibit,
25 the Court SUSTAINS Defendant's objection to Plaintiffs' Exhibit P-202, Michael Dillman's Form
26 DD214.

27 **3. Plaintiffs' Exhibit P-203** - As Plaintiffs have stipulated this is an incorrect version
28 of Defense Exhibit D-507, Plaintiffs' Exhibit P-203 is withdrawn. The parties shall meet and

1 confer to agree whether the correct version currently marked Defense Exhibit D-507 will be
2 remarked as a Joint Exhibit for use during trial.

3 **4. Plaintiffs' Exhibit P-204** – As Plaintiffs have stipulated to withdraw this exhibit
4 and their Request that the exhibit be judicially noticed, the Court SUSTAINS Defendant's
5 objection to Plaintiffs' Exhibit P-204, California Vehicle Code Section 9840-9845.

6 **5. Plaintiffs' Exhibit P-205** – As Plaintiffs have stipulated to withdraw this exhibit
7 and their Request that the exhibit be judicially noticed, the Court SUSTAINS Defendant's
8 objection to Plaintiffs' Exhibit P-205, California Vehicle Code Section 9850-9853.2.

9 **6. Plaintiffs' Exhibit P-206** – As Plaintiffs have stipulated to withdraw this exhibit
10 and their Request that the exhibit be judicially noticed, the Court SUSTAINS Defendant's
11 objection to Plaintiffs' Exhibit P-206, a printed out copy of the California Department of Motor
12 Vehicles webpage regarding vessel boat registration and information.

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14 IT IS SO ORDERED.

15 Dated: May 6, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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