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

JANET LORRAINE SIANO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SACRAMENTO COUNTY DEPARTMENT )  
 OF PARKS AND RECREATION; TOM )  
 HOF SOMMER, individually and in )  
 his official capacity as )  
 Ranger for the Sacramento )  
 County Department of Parks )  
 and Recreation; C. KEMP, )  
 individually and in his )  
 official capacity as Ranger )  
 for the Sacramento County )  
 Department of Parks and )  
 Recreation; and KATHLEEN )  
 UTLEY, individually and in her )  
 official capacity as Ranger )  
 for the Sacramento County )  
 Department of Parks and )  
 Recreation, )  
 )  
 Defendants.<sup>1</sup> )  
 )

2:07-cv-01659-GEB-KJM  
ORDER

Defendants filed a motion in limine on November 2, 2009, in which they seek to preclude the testimony of Plaintiff's witness Roger Andriola. Defendants argue this proposed witness's testimony is inadmissible under Federal Rules of Evidence 402, 403 and 404(b). Plaintiff countered in a filing on November 6, 2009 that Andriola's proposed testimony is admissible under Federal Rule of Evidence 406.

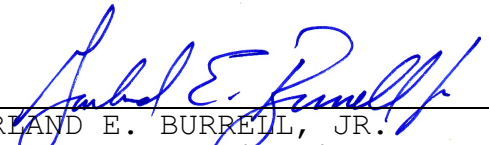
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<sup>1</sup> The caption is changed to reflect the summary judgment ruling in favor of Defendants County of Sacramento and Dave Lydick, filed on May 22, 2009.

1 Since Plaintiff has not shown Andriola's proposed testimony is  
2 admissible under Rule 406, Defendants motion to exclude this testimony  
3 is granted. See Final Pretrial Order filed October 27, 2009 at 2  
4 ("Failure to state a basis for admissibility or non-admissibility of  
5 disputed evidence constitutes a waiver or abandonment of that  
6 basis.").

7 Defendants also filed a motion in limine on November 4,  
8 2009, in which they seek to preclude expert witness medical testimony  
9 since Plaintiff failed to satisfy Federal Rule of Civil Procedure  
10 26(a)(2)(A)'s expert witness disclosure requirements. Plaintiff has  
11 not opposed the motion. Therefore, the motion is granted.

12 Dated: November 9, 2009

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16 GARLAND E. BURRELL, JR.  
17 United States District Judge  
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