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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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MARGIE DANIEL, individually  
and on behalf of a class of  
similarly situated  
individuals,

Plaintiff,

v.

FORD MOTOR COMPANY, a  
Delaware corporation,

Defendant.

CIV. NO. 2:11-02890 WBS EFB  
ORDER RE: MOTION IN LIMINE

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Before the court is defendant's Motion in Limine to Exclude Tire Wear Complaints (Docket No. 172). The court agrees that if the complaints are used to prove the truth of the matters asserted therein, specifically that the tire wear issues complained of actually occurred as described, the complaints are improper hearsay. See Fed. R. Evid. 801(c). However, it appears that the complaints will not be offered to prove the truth of the

1 matter asserted, but rather will be offered to prove defendant's  
2 notice of potential defects. Thus, the court will not exclude  
3 the complaints as hearsay at this time.

4 To the extent that defendant contends that the  
5 complaints are not relevant absent a showing of substantial  
6 similiarity or that the probative value of the complaints is  
7 outweighed by the dangers of unfair prejudice, confusion of the  
8 issues, misleading the jury, waste of time, or needless  
9 presentation of cumulative evidence, those arguments are better  
10 considered if and when the evidence is offered at the time of  
11 trial. The parties are encouraged to raise these issues in their  
12 respective trial briefs.

13 IT IS THEREFORE ORDERED that defendant's Motion in  
14 Limine (Docket No. 172) be, and the same hereby is, DENIED,  
15 without prejudice to the issues being raised in the trial briefs  
16 and timely reasserted at the time of trial.

17 Dated: September 13, 2017



18 **WILLIAM B. SHUBB**  
19 **UNITED STATES DISTRICT JUDGE**  
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