

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL DAVIS,
Plaintiff,
v.
HOLLINS LAW, A PROFESSIONAL
CORPORATION,
Defendant.

No. CIV. S-12-3107 LKK/AC

ORDER

Plaintiff's and defendant's respective motions in limine were originally set for hearing on March 3, 2014 at 10:00 a.m. However, the parties subsequently stipulated to vacate the hearing thereon. (ECF Nos. 79, 80.) Accordingly, the court herein decides the motions based on the parties' briefs. It is important to recognize that the trial will be to the court.

The court hereby orders as follows:

[1] For administrative reasons, trial in this matter, currently set for March 18, 2014, is CONTINUED to April 8, 2014. The trial will commence at 10:30 a.m. in Courtroom 4.

1 [2] Plaintiff's motion in limine #1, "To exclude Defendant,
2 its witnesses, and its attorneys from mentioning within the
3 hearing of the jury, including in jury instructions, the
4 availability of an award of attorneys' fees should Plaintiff
5 prevail," is DENIED.

6
7 [3] Plaintiff's motion in limine #2, "To exclude Defendant
8 from asking questions and making any reference to
9 Plaintiff's character, including Plaintiff's other debt," is
10 GRANTED, except that defendant is permitted to inquire into,
11 and introduce evidence regarding, the amount of Plaintiff's
12 other debt and the purposes for which it was incurred.

13
14 [4] Defendant's motion in limine #1, "To exclude Plaintiff's
15 deposition testimony during Plaintiff's case-in-chief," is
16 GRANTED.

17
18 [5] Defendant's motion in limine #2, "To exclude any
19 transcription of the voicemail message allegedly left by
20 defendant Hollins Law," is DENIED.

21
22 [6] Defendant's motion in limine #3, "To exclude any
23 recording of the voicemail message allegedly left by
24 defendant Hollins Law," is DENIED.

25
26 [7] Defendant's motion in limine #4, "To exclude Plaintiff's
27 wife Margaret Davis from testifying as a witness for
28 Plaintiff," is GRANTED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


[8] Defendant's motion in limine #5, "To exclude any evidence of non-adjudicated complaints against Defendant Hollins Law," is GRANTED.

[9] Defendant's motion in limine #6, "To exclude evidence that contradicts Plaintiff's admission that he 'gave consent to HOLLINS LAW to COMMUNICATE with Plaintiff regarding the collection of the ALLEGED DEBT,'" is GRANTED.

[10] Defendant's motion in limine #7, "To exclude evidence that contradicts Plaintiff's admission that 'Upon hearing the voice message, transcribed as Exhibit A to Plaintiff's Complaint, Plaintiff understood that it was from a debt collector by combining the message itself with Plaintiff's prior knowledge that Defendant was a debt collector,'" is GRANTED.

IT IS SO ORDERED.

DATED: February 28, 2014.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT