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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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RANDY BLANKENCHIP and SUSAN  
BLANKENCHIP,

Plaintiffs,

v.

CITIMORTGAGE, INC.; CAL-  
WESTERN RECONVEYANCE, LLC;  
and DOES 1-50, inclusive,

Defendants.

CIV. NO. 2:14-02309 WBS AC

ORDER GRANTING MOTION IN LIMINE

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Before the court is Defendant CitiMortgage, Inc.'s ("Citi") Motion in Limine No. 1 to Exclude Reference of Parties' Discovery Dispute and Defendant's Redactions and Claims of Privilege. (Docket No. 101.) The motion focuses on three different versions of the same loan servicing notes produced by Citi in discovery. The first two versions contain redactions under claim of attorney-client privilege (though not entirely the same redactions in both) while the third version is unredacted except for entries that were recorded after this litigation commenced. Plaintiff intends to admit all three versions, while

1 Citi contends that only the final, largely unredacted version  
2 should be admitted at trial.

3 Here, it is unclear what probative value, if any, the  
4 first two versions of the servicing notes have in this case  
5 beyond the third version, which the parties agree is admissible.  
6 Simply put, there is no need for the first two, more heavily  
7 redacted versions of the servicing notes when plaintiffs will  
8 introduce the third, largely unredacted version at trial.  
9 Admitting the first two documents would only provide evidence of  
10 Citi's claims of privilege and the corresponding discovery  
11 dispute years after the events at issue in the amended complaint.  
12 These redactions, and the parties' dispute regarding them, have  
13 no bearing on any issue to be decided by the jury in this case  
14 and no probative value. Moreover, introducing multiple versions  
15 of the same document, where the only difference between the  
16 versions is the level of redactions, is likely to confuse the  
17 issues at trial, waste time, and needlessly present cumulative  
18 evidence. Accordingly, the court will grant the motion to  
19 exclude under Federal Rule of Evidence 403.

20 IT IS THEREFORE ORDERED that Citi's motion in limine  
21 be, and the same hereby is, GRANTED. The court orders as  
22 follows:

23 1. Plaintiffs Randy Blankenchip and Susan  
24 Blankenchip, their counsel, and their witnesses are precluded  
25 from referencing, mentioning, or introducing evidence of any  
26 discovery dispute between the parties.

27 2. Plaintiffs Randy Blankenchip and Susan  
28 Blankenchip, their counsel, and their witnesses are precluded

1 from referencing or mentioning the redactions Citi's counsel made  
2 to Citi's servicing notes.

3 3. Plaintiffs Randy Blankenchip and Susan  
4 Blankenchip's counsel is precluded from examining Citi's  
5 witnesses or any witness or from asking any question about the  
6 redactions Citi's counsel made to Citi's servicing notes.

7 4. Plaintiffs Randy Blankenchip and Susan  
8 Blankenchip, their counsel, and their witnesses are precluded  
9 from introducing at trial the first and second redacted versions  
10 of Citi's servicing notes, which are identified as plaintiffs'  
11 trial exhibit numbers 43 and 44 and described as "First Redacted  
12 Production of Servicing Notes" and "Second Redacted Production of  
13 Servicing Notes."

14 Dated: November 17, 2016



15 **WILLIAM B. SHUBB**  
16 **UNITED STATES DISTRICT JUDGE**  
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