

United States District Court
For the Northern District of California

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

VECTREN COMMUNICATIONS SERVICES,
Plaintiff,
v.
CITY OF ALAMEDA,
Defendant.

No. C 08-3137 SI

**ORDER EXCLUDING AUGUST 17, 1999
CITY COUNCIL MEETING VIDEO**

The Court has reviewed the parties' briefs about the admissibility of a video that the City wishes to introduce as part of its case. The video consists of approximately 25 minutes of excerpts from a 2.5 hour video recording of an August 17, 1999 Alameda City Council meeting.

The Court concludes that the proffered video should be excluded under F.R.E. 403. AP&T witness Bill Garvine has already testified at length about the August 17, 1999 City Council meeting, and thus the video excerpts would be needlessly cumulative. Given Mr. Garvine's testimony, the probative value of the video is minimal, particularly because the video relates to matters that occurred several years before the contracts at issue were executed. The Court also finds that the introduction of the video would be prejudicial in that the disc was only first provided to plaintiff on February 17, 2010, more than a week after the start of trial, and the City did not disclose the speakers on the video clips at any point during the discovery period.

IT IS SO ORDERED.

Dated: February 25, 2010



SUSAN ILLSTON
United States District Judge