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17 CITY AND COUNTY OF SAN FRANCISCO

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, *et al.*,
21 Plaintiffs,
22 and
23 CITY AND COUNTY OF SAN FRANCISCO,
Plaintiff-Intervenor,

24 v.

25 ARNOLD SCHWARZENEGGER, *et al.*,
Defendants,

26 and
27 PROPOSITION 8 OFFICIAL PROPONENTS
DENNIS HOLLINGSWORTH, *et al.*,
28 Defendant-Intervenors.

CASE NO. 09-CV-2292 VRW

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' AND PLAINTIFF-
INTERVENOR'S MOTION *IN LIMINE* TO
EXCLUDE PORTIONS OF THE EXPERT
REPORT, OPINIONS, AND TESTIMONY
OF KENNETH P. MILLER**

PLAINTIFFS' MIL NO. 2 OF 2

Date: December 16, 2009 [Pre-Trial Conf.]
Time: 10:00 a.m.
Judge: Chief Judge Walker
Location: Courtroom 6, 17th Floor

Trial Date: January 11, 2010

1 Plaintiffs' and Plaintiff-Intervenor's motion *in limine* to exclude portions of the expert report,
2 opinions, and testimony of Kenneth P. Miller ("Motion") came on for hearing before the above-entitled
3 Court on December 16, 2009. After full consideration of all moving and opposing documents, the
4 court's record and file in this matter, and the arguments of counsel, and good cause appearing, **IT IS**

5 **HEREBY ORDERED:**

- 6 (1) Plaintiffs' and Plaintiff-Intervenor's Motion is hereby GRANTED in its entirety;
7 (2) Paragraphs 53-72 of Dr. Kenneth P. Miller's expert report are EXCLUDED from
8 evidence;
9 (3) Dr. Kenneth P. Miller is PROHIBITED from offering expert testimony or opinion on
10 the subject matter expressed therein; and
11 (4) Defendants, Defendant-Intervenors, and their counsel, are PROHIBITED from
12 introducing or referring in any way to the excluded paragraphs of Dr. Kenneth P.
13 Miller's report during trial.

14
15 Date: _____

16 UNITED STATES DISTRICT JUDGE
17 CHIEF JUDGE VAUGHN R. WALKER
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