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

DOUBLEVISION ENTERTAINMENT,  
LLC,

No. C 14-02848 WHA

Plaintiff,

v.

**ORDER RE “SHAM” COMMENT**

NAVIGATORS SPECIALTY  
INSURANCE CO., *et al*,

Defendants.

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With respect to the comment of the state court judge that the interpleader was a “sham,” which was heard by the corporate representative of Doublevision, Doug Dawson, no comment about it shall be made in the presence of the jury until after further hearing and order. The Court will hear Mr. Dawson out of the presence of the jury to understand the context. Additionally, the Court wishes to know whether Navigators or anyone else heard the comment.

Finally, please brief the law on the extent to which judicial utterances must be made on the record to count. Put differently, a judicial ruling that the interpleader was a sham would ordinarily be in writing or on the record. If it wasn’t on the record, then presumably it was not a ruling. If it was not a ruling, it should probably be excluded under Rule 403.

The above points are separate from the hearsay issue addressed Monday, which the parties may also brief. Briefs on these issues shall be submitted by **JULY 14, AT 5:00 P.M.**

**IT IS SO ORDERED.**

Dated: July 13, 2015.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE