

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

4                                    TREMAYNE COLLIER,

5                                    Plaintiff,

6                                    v.

7                                    SHERIFF MICHAEL HENNESSY, et al.,

8                                    Defendants.  
9 \_\_\_\_\_/

No. C 06-01143 CW

ORDER ON MOTIONS IN  
LIMINE

10                                    As discussed at the final pre-trial conference, held on March  
11 15, 2011, the Court rules on the parties' motions in limine as  
12 follows:  
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14                                    **Plaintiff's Motions in Limine**

- 15 1. Preclude Michael Pickett, Defendants' use-of-force expert  
16 witness, from testifying that they did not use excessive force  
against Plaintiff.

17 GRANTED in part. Pickett shall not opine on what he believes  
18 to have occurred during the February 28, 2004 incident, on  
whether Defendants' conduct was reasonable or on Plaintiff's  
19 credibility. Pickett may offer opinions only on particular  
20 techniques that officers are trained to use in certain  
hypothetical fact patterns. He may offer this testimony so  
long as it was disclosed in his report.

- 21 2. Exclude evidence of Plaintiff's prior convictions.

22 GRANTED in part and DENIED in part. To demonstrate their  
23 alleged state of mind during the incident, Defendants may  
proffer evidence that they were aware that Plaintiff was  
24 charged with committing a crime of violence. Defendants shall  
not disclose that Plaintiff was charged with murder. To  
25 impeach Plaintiff's credibility, Defendants may proffer  
evidence that Plaintiff was convicted of two felonies: (1) a  
26 crime of violence and (2) forgery. Defendants shall not  
impeach Plaintiff with evidence that he was convicted of  
27 murder. Plaintiff's convictions shall not be used for any  
other purpose.  
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**Defendants' Motions in Limine**

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1. Exclude all evidence of grievances, allegations, complaints or litigation regarding any City witness, except for those brought by Plaintiff in this case.

GRANTED in part. Evidence of complaints related to Defendant Neu's purported "sexual behavior in jail" is excluded as irrelevant. Evidence of other grievances, allegations, complaints or litigation involving Defendants shall also be excluded, unless Plaintiff provides an offer of proof showing that such evidence is relevant and otherwise admissible under the Federal Rules of Evidence.

2. Exclude all evidence regarding whether or not Plaintiff received proper medical care while in custody.

GRANTED. That Plaintiff may have received inadequate medical care before the February 28, 2004 incident is not relevant to his excessive force claims.

3. Exclude all evidence of the criminal charges brought against Plaintiff as a result of the February 28, 2004 incident, including but not limited to the district attorney's office's failure to prosecute.

GRANTED.

4. Exclude all evidence of future medical damages.

GRANTED. Plaintiff has not disclosed any expert who can opine his future medical damages.

5. Exclude all evidence of press reports or other third party reports regarding any of the City's witnesses, including but not limited to those regarding this matter.

GRANTED. Such evidence is hearsay.

IT IS SO ORDERED.

Dated: 3/17/2011



CLAUDIA WILKEN  
United States District Judge