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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOSETTA ZERTUCHE,  
Plaintiff,  
v.  
JAMES GLEASON,  
Defendant.

No. CV11-03691 YGR  
**PRE-TRIAL ORDER  
NO. 2 RE DEFENDANT'S MOTIONS  
IN LIMINE NO. 1-9**  
Trial Date: November 15, 2013

The Motions *in Limine* brought by Defendant James Gleason, came on regularly for hearing before the Honorable Yvonne Gonzalez Rogers, Judge presiding, on November 8, 2013, Courtroom 5 of the above-entitled Court, located at 1301 Clay Street, Oakland, California. John L. Winchester, III appeared on behalf of Defendant James Gleason and Michael E. Adams appeared on behalf of Plaintiff Hosetta Zertuche.

Having considered the moving and opposing documents and evidence, the arguments of counsel and the relevant law, the Court **ORDERS** as follows:

**DEFENDANT'S MOTION IN LIMINE NO. 1** to exclude evidence of romantic relationships in the office is **GRANTED** to the extent that the actual marital status of Defendant Gleason and Ngoc Lam is not relevant. Fed. R. Evid. 401. The motion is **DENIED** as to the romantic relationship between the two. Fed. R. Evid. 401, 403.

Granted in part     Granted with Modification     Denied in part

**DEFENDANT'S MOTION IN LIMINE NO. 2** to exclude expert witness Sondra Zentner, M.D.

Granted     Granted with Modification     Denied

1           **DEFENDANT’S MOTION IN LIMINE NO. 3** to exclude evidence of "glaring" and "foot-  
2 stomping" and to classify the same as adverse employment actions is **GRANTED**. The balance of the  
3 motion is **DENIED** including the ability to refer to such events as generally describing the events at  
4 issue.

5            Granted in part        Granted with Modification        Denied in part

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7           **DEFENDANT’S MOTION IN LIMINE NO. 4** to exclude plaintiff’s lay opinion testimony  
8 regarding "discrimination" and a "hostile work environment" is **GRANTED**. The motion is **DENIED**  
9 as to "retaliation." Fed. R. Evid. 403.

10            Granted in part        Granted with Modification        Denied in part

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12           **DEFENDANT’S MOTION IN LIMINE NO. 5** to exclude evidence or statements  
13 regarding settlement offers, discussions, or negotiations is unopposed and therefore **GRANTED**.

14            Granted                    Granted with Modification                    Denied

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16           **DEFENDANT’S MOTION IN LIMINE NO. 6** to exclude undisclosed evidence is  
17 unopposed except as to information regarding wage loss and therefore **GRANTED** except as to  
18 information regarding wage loss.

19            Granted                    Granted with Modification                    Denied

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21           **DEFENDANT’S MOTION IN LIMINE NO. 7** to exclude witnesses from the courtroom  
22 when not testifying is **GRANTED**.

23            Granted                    Granted with Modification                    Denied

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25           **DEFENDANT’S MOTION IN LIMINE NO. 8** to exclude evidence that Plaintiff’s work  
26 environment was “hostile” is unopposed and therefore **GRANTED**.

27            Granted                    Granted with Modification                    Denied

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**DEFENDANT'S MOTION IN LIMINE NO. 9** to exclude evidence of Plaintiff's damages


from loss of earnings is DENIED.

\_\_\_\_\_ Granted                      \_\_\_\_\_ Granted with Modification                        X   Denied

This Order terminates Docket Nos. 89 through 96, and 113.

**IT IS SO ORDERED.**

Dated: November 12, 2013

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**