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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 **JAMAL RASHID TRULOVE,**

6 Plaintiff,

7 v.

8 **MAUREEN D'AMICO, MICHAEL JOHNSON,**  
9 **ROBERT MCMILLAN, AND JOHN EVANS,**

10 Defendants.

**Case No. 16-cv-050 YGR**

**PRETRIAL ORDER NO. 5 RE: PLAINTIFF'S  
MOTIONS *IN LIMINE* NOS. 3 AND 5**

11 The Court is in receipt of defendants' letter emailed to the Court and opposing counsel at  
12 12:08 p.m. of March 6, 2018. The letter includes a list of documents defendants seek to introduce  
13 as to various witnesses expected to testify at trial. The Court is also in receipt of plaintiff's  
14 responsive email of 1:47 p.m. on March 6, 2018.

15 Plaintiff is correct that defendants' submission is inadequate for the Court to evaluate  
16 whether the evidence is admissible under Rule 404(b) of the Federal Rules of Evidence.  
17 Defendants must provide sufficient information for the Court to evaluate whether the evidence is  
18 offered for a permissible purpose. Defendants' letter fails to state with any specificity the  
19 purposes for which they seek to admit the evidence.


20 Exhibit A hereto is the list of evidence provided by defendants in their letter. For *each*  
21 *item* defendants seek to admit, they shall specify: (1) whether they seek to admit the entire  
22 document, or the specific portion thereof that they seek to admit; and (2) their proffered basis for  
23 admissibility, *i.e.*, for what purpose is it being offered and what rule or other authority permits its  
24 admission? Defendants shall file a submission containing that information for *all* documents or  
25 portions thereof on this list that they seek to admit no later than **8:00 a.m. PST on March 7, 2018.**  
26 Plaintiffs shall file their response no later than **8:30 a.m. PST on Thursday, March 8, 2018.**

27 The Court notes that today's submission was made after the deadline set by the Court's  
28 Order at Docket No. 418, and as stated on the record on March 2, 2018, at the further pretrial

1 conference. Defendants were given this *additional* time to submit their bad acts evidence after  
2 having failed to comply with the Court's direction at the February 16, 2018 pretrial conference  
3 requiring them to submit the information to be reviewed *prior* to the March 2 conference. As the  
4 Court previously indicated, no bad acts evidence will be admitted until the Court grants  
5 permission. Failure to make an adequate showing after being given two additional opportunities  
6 to do so may result in exclusion of the evidence.

7 **IT IS SO ORDERED.**

8 Dated: March 6, 2018

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

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**EXHIBIT A**

Jeremy Grady documents:

1. Certified prior felony conviction on November 10, 2008 for a violation of Health and Safety Code Section 11351.5

Jamal Trulove documents:

1. Criminal history report and DMV record (Bates 003072-003078)
2. Traffic violation citation (Bates 001232)
3. OPD Report 07-007184 (Bates 003231)
4. Letter from Frank O'Connell (Bates 000267)
5. Letter from Office of the Treasurer and Tax Collector (Bates 000263)
6. Letter from California Service Bureau, Inc. (Bates 000268)
7. Letter from the California Department of Motor Vehicles (Bates 000865-000866)
8. Letter from the California Department of Motor Vehicles (Bates 000261 & 000260)
9. Letter from J. J. Mac Intyre Co., Inc. (Bates 000271)
10. Letter from RAB Inc. (Bates 000269)
11. Letter from Monterey County Department of Child Support Services (Bates 000262)
12. SFPD Incident Report 070745258 (Bates 003040-003041)
13. Seaside Police Department Incident Report 2008-1027008 (Bates 003042-003044)
14. Warrant of Arrest (Bates 003069)
15. Identification Memo (Bates 003070)
16. Expert Report of Dr. Julie Kriegler
17. Expert Report of Dr. Joanna Berg
18. Deposition of Jamal Trulove p.159:24 – 161:22, 303:5-10, 307:9-13

David Trulove documents:

1. Criminal history report and DMV record (Bates 003111-003115)
2. SFPD Initial Incident report (Bates 003116-003117)

Joshua Bradley documents:

1. Notice to appear (Bates 003093)

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2. Deposition of Joshua Bradley p. 96:3-97:18, 97:25-99:20

Joshua Bradley and David Trulove documents:

1. SFPD Incident Report 070808044 (Bates 003024-003028)

2. SFPD Memorandum from Officer Melonee Alvarez to Captain Kevin Cashman (Bates 003319-003320)

Joey Faletusi documents:

1. Cable query response (Bates 003262-003263)

Seu Kuka documents:

1. SFPD photo and criminal history report (Bates 003054-003068)

Jerome Bardell documents:

1. Criminal history report (Bates 003120-003122)

2. SFPD mugshot profiles (Bates 003289 & 003119)

Latisha Meadows Dickerson documents:

1. SFPD Incident Report 080630570 (Bates 003215-003220)

2. Criminal history report (Bates 003221-003228)

John Doe documents:

1. SFPD Initial Incident Report (Bates 003109-003110)

Oliver Barcenas documents:

1. Deposition of Oliver Barcenas p. 105:24-106:2, 106:24-110:3

Misc. Documents:

1. Photos of Ingleside Station report writing room walls with photos (Bates 003294-003301)