

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DENIZ BOLBOL and JOSEPH CUVIELLO,)
INDIVIDUALLY,)
)
Plaintiffs,)
)
v.)
)
FELD ENTERTAINMENT, INC. (dba)
RINGLING BROS. and BARNUM & BAILEY)
CIRCUS); JAMES DENNIS; MATTHEW)
GILLET; and DOES 1-10,)
)
Defendants.)

Case No.: C 11-5539 PSG
**ORDER RE FELD'S OBJECTIONS
TO PLAINTIFFS' PROPOSED
EXHIBITS**
(Re: Docket No. 209)

Before the court are objections raised by Defendant Feld Entertainment, Inc. ("Feld")¹ to proposed exhibits from Plaintiffs Deniz Bolbol ("Bolbol") and Joseph CuvIELLO ("CuvIELLO") (collectively "Plaintiffs").² The court is prepared at this time to issue orders regarding Exhibits 1 to 111; the court will address Exhibits 112 to 136 as necessary through the course of the trial.

Having reviewed the video clips that make up the content of Exhibits 1 to 111 and having reviewed Feld's objections and Plaintiffs' responses,³ the court rules as follows:

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| Exhibit 1 | SUSTAINED-IN-PART. The video portion of the exhibit is relevant and probative to lack of accident, motive, and intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. The audio portion, |
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¹ *See* Docket No. 209.
² *See* Docket No. 208.
³ *See* Docket No. 212.

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| 1 | | however, may not be introduced because the statements by the filmmakers would be unfairly prejudicial and has minimal probative value. <i>See</i> Fed. R. Evid. 403. |
| 2 | Exhibit 2 | OVERRULED. The exhibit is relevant and probative to lack of accident, motive, and intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
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| 4 | Exhibit 3 | OVERRULED. The exhibit is relevant and probative to lack of accident, motive, and intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 5 | | |
| 6 | Exhibit 4 | OVERRULED. The exhibit is relevant and probative to lack of accident, motive, and intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
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| 8 | Exhibit 5 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106 |
| 9 | Exhibit 6 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106 |
| 10 | Exhibit 7 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 12 | Exhibit 8 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 13 | Exhibit 9 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 14 | Exhibit 10 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 15 | Exhibit 11 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 16 | Exhibit 12 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 17 | Exhibit 13 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 18 | Exhibit 14 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 19 | Exhibit 15 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 20 | Exhibit 16 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 21 | Exhibit 17 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 22 | Exhibit 18 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 23 | Exhibit 19 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 24 | Exhibit 20 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 25 | Exhibit 21 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 26 | Exhibit 22 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 27 | Exhibit 23 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
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| 1 | Exhibit 24 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 2 | Exhibit 25 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 3 | Exhibit 26 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 4 | Exhibit 27 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 5 | Exhibit 28 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 6 | Exhibit 29 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 7 | Exhibit 30 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 8 | Exhibit 31 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 9 | Exhibit 32 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 10 | Exhibit 33 | OVERRULED. The exhibit is relevant and probative as to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 11 | Exhibit 34 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 12 | Exhibit 35 | SUSTAINED. <i>See</i> Fed. R. Evid. 401, 402, and 403. |
| 13 | Exhibit 36 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 14 | Exhibit 37 | SUSTAINED-IN-PART. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. The audio portion, however, may not be introduced because the statements by the filmmakers would be unfairly prejudicial and has minimal probative value. <i>See</i> Fed. R. Evid. 403. |
| 15 | Exhibit 38 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 16 | Exhibit 39 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 17 | Exhibit 40 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 18 | Exhibit 41 | SUSTAINED. Feld claims that this footage was not disclosed or exchanged prior to the pre-trial conference on January 31, 2013. Per the court's order at that conference, any video not disclosed and produced at that point was not admissible. <i>See</i> Docket No. 201. |
| 19 | Exhibit 42 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 20 | Exhibit 43 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 21 | Exhibit 44 | OVERRULED. Feld has not shown how other video is relevant or |

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| | should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 1 Exhibit 45 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 2 Exhibit 46 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 3 Exhibit 47 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 4 Exhibit 48 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 5 Exhibit 49 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 6 Exhibit 50 | SUSTAINED. Feld claims that this footage was not disclosed or exchanged prior to the pre-trial conference on January 31, 2013. Per the court's order at that conference, any video not disclosed and produced at that point was not admissible. <i>See</i> Docket No. 201. Plaintiffs also agree to withdraw this exhibit. ⁴ |
| 7 Exhibit 51 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 8 Exhibit 52 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 9 Exhibit 53 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 10 Exhibit 54 | SUSTAINED WITHOUT PREJUDICE. Because this clip was not on the court's copy of the DVD with the exhibits, it has not had an opportunity to view the clip. The court sustains Feld's objection, but Plaintiffs may resubmit the exhibit for the court's consideration. |
| 11 Exhibit 55 | SUSTAINED WITHOUT PREJUDICE. Because this clip was not on the court's copy of the DVD with the exhibits, it has not had an opportunity to view the clip. The court sustains Feld's objection, but Plaintiffs may resubmit the exhibit for the court's consideration. |
| 12 Exhibit 56 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
| 13 Exhibit 57 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
| 14 Exhibit 58 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
| 15 Exhibit 59 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. |

⁴ *See* Docket No. 212.

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| | Evid. 402; Docket No. 201. |
| 1 Exhibit 60 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 3 Exhibit 61 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 5 Exhibit 62 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
| 6 | |
| 7 Exhibit 63 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 9 Exhibit 64 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 11 Exhibit 65 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 13 Exhibit 66 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 15 Exhibit 67 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 17 Exhibit 68 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 19 Exhibit 69 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 21 Exhibit 70 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 23 Exhibit 71 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 25 Exhibit 72 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 27 Exhibit 73 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit |
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| | may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
| 1 2 | Exhibit 74 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 3 4 | Exhibit 75 OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 5 6 | Exhibit 76 OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 7 8 | Exhibit 77 OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 9 10 | Exhibit 78 OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 11 12 13 | Exhibit 79 OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
| 14 | Exhibit 80 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 15 | Exhibit 81 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 16 | Exhibit 82 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 17 | Exhibit 83 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 18 | Exhibit 84 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 19 | Exhibit 85 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 20 | Exhibit 86 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 21 | Exhibit 87 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 22 | Exhibit 88 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 23 | Exhibit 89 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 24 25 26 | Exhibit 90 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. To the extent that the video references actions taken against someone other than Plaintiffs, it may be offered only to show lack of accident or mistake or to show intent. <i>See</i> Fed. R. Evid. 404(b)(2). |
| 27 28 | Exhibit 91 OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. To the extent that the video references actions taken against someone other than Plaintiffs, it may be offered only to show lack of accident or mistake or |

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| | to show intent. <i>See</i> Fed. R. Evid. 404(b)(2). | |
| 1 | Exhibit 92 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 2 | Exhibit 93 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 3 | Exhibit 94 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 4 | Exhibit 95 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 5 | Exhibit 96 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| 6 | Exhibit 97 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. But the exhibit may only be used to show lack of mistake or accident. <i>See</i> Fed. R. Evid. 402; Docket No. 201. |
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| 9 | Exhibit 98 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
| 10 | | |
| 11 | Exhibit 99 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
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| 14 | Exhibit 100 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
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| 17 | Exhibit 101 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
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| 20 | Exhibit 102 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
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| 23 | Exhibit 103 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
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| 25 | Exhibit 104 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
| 26 | | |
| 27 | Exhibit 105 | SUSTAINED. References to animal mistreatment in these videos are inflammatory and the unfair prejudice that would result is outweighed by the probative value of this video. <i>See</i> Fed. R. Evid. 403. The video |
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| | also contains impermissible hearsay, <i>see</i> Fed. R. Evid. 801, 802, and Plaintiffs have not provided an exception for that hearsay. |
| Exhibit 106 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent and to motive. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| Exhibit 107 | OVERRULED. The exhibit is relevant and probative to lack of mistake or accident and to intent. <i>See</i> Fed. R. Evid. 402, 404(b)(2). Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| Exhibit 108 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| Exhibit 109 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| Exhibit 110 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |
| Exhibit 111 | OVERRULED. Feld has not shown how other video is relevant or should in fairness be shown. <i>See</i> Fed. R. Evid. 106. |

IT IS SO ORDERED.

Dated: February 5, 2013



PAUL S. GREWAL
United States Magistrate Judge