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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELIZABETH ANN WILLIAMS,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

Case No. [5:13-cv-03387-EJD](#)
**FIRST ORDER RE: MOTIONS IN
LIMINE**
Re: Dkt. Nos. 115, 118, 121

The Court rules on Defendants’ motions in limine as follows:

1. Defendants’ third motion to exclude evidence of attorneys’ fees and costs (Dkt. No. 115) is GRANTED. “The award of attorneys’ fees [and costs] is a matter of law for the judge, not the jury.” Brooks v. Cook, 938 F.2d 1048, 1051 (9th Cir. 1991).
2. Defendants’ sixth motion to exclude evidence or argument related to injunctive relief Williams obtained (Dkt. No. 118) is GRANTED.

Under Federal Rule of Evidence 401, evidence is relevant if: “(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Under Federal Rule of Evidence 403, relevant evidence can be excluded “if its probative value is substantially outweighed by a danger of . . . unfair prejudice,” or “confusing the issues,” or if it misleads the jury, causes undue delay, or wastes time.

1 The Court finds that the injunctive relief Williams obtained is irrelevant to whether Wells Fargo
2 breached the loan contract. Such evidence also poses a high risk of prejudice to Wells Fargo,
3 because it could lead the jury to assume that the Court has already decided the merits of
4 Williams’s breach-of-contract claims.

5 3. Defendants’ eighth motion to exclude evidence of “widespread incompetence in the
6 lending industry,” “Wells Fargo’s recent settlement relating to the opening of credit card
7 accounts,” and Wells Fargo’s size and finances (Dkt. No. 121) is GRANTED. The Court finds that
8 this evidence is irrelevant to Williams’s contract claims and it poses a high risk of prejudice to
9 Wells Fargo.

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IT IS SO ORDERED.

Dated: July 24, 2017



EDWARD J. DAVILA
United States District Judge