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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LARRY McIVER,

Plaintiff,

vs.

PACIFIC CARMEL MOUNTAIN
HOLDINGS, LP,

Defendants.

CASE NO. 09CV1975-LAB (AJB)

ORDER ON MOTIONS IN LIMINE

After receiving briefing on the parties' motions in limine, the Court on June 4, 2012 held a hearing. For reasons discussed at that hearing, the Court rules as follows.

The Motion to Exclude Certain of Plaintiff's Pretrial Exhibits (Docket no. 121) is **GRANTED IN PART**. No later than June 22, 2012, Plaintiff's counsel will identify to Defendants' counsel the exhibits identified in the motion, and provide them with clear copies of such exhibits.

The Motion to Exclude or Prevent Defense Counsel from Making Disparaging Remarks Against McIver (Docket no. 122) is **DENIED** as moot. The Court expects all counsel to behave themselves civilly and professionally at all times.

The court **RESERVES** ruling on the Motion to Exclude or Prevent Defendants from Offering Irrelevant/Prejudicial Evidence (Docket no. 123). No later than June 22, 2012, the parties may file supplemental briefing, not to exceed five pages.

1 The Motion to Exclude Evidence Regarding Defendants' Good Faith Efforts to
2 Remove Barriers (Docket no. 124) is **DENIED**. The evidence is relevant to the extent it is
3 offered to establish a "temporary interruption" defense.

4 The Motion to Exclude Evidence Regarding Amount of Statutory Damages (Docket
5 no. 125) is **DENIED**. Either party's witnesses may be impeached with evidence of bias,
6 including their financial interest in this action.

7 The Motion to Preclude Certain Testimony by Plaintiff (Docket no. 126) is **DENIED**.
8 If the proper foundation is laid to show Plaintiff's memory has been refreshed. But
9 Defendants are not precluded from offering impeaching evidence concerning his previous
10 inability to remember.

11 The Motion to Exclude Evidence Regarding Inference Not Supported by the Record
12 and Prevent Defendant[s] from Using Physical Objects Not Received in Evidence (Docket
13 # 127) is too vague and speculative and, as such, is **DENIED**.

14 The Court **RESERVES** ruling on the Motion to Exclude Barriers (Docket # 128, 129).

15 The Court **RESERVES** ruling on the Motion to Exclude Evidence or Testimony re
16 Toilet Tissue Dispenser (Docket no. 130). Each side may file a brief not exceeding two pages
17 on the issue of Defendants' right to elect either the 1991 or the 2010 ADAAG.

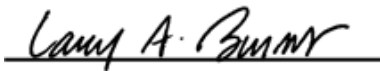
18 The joint motion for leave to file an answer to the first amended complaint (Docket no.
19 115) is **GRANTED**. The answer (Docket no. 117) is accepted as filed.

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21 **IT IS SO ORDERED.**

22 DATED: June 6, 2012

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HONORABLE LARRY ALAN BURNS
United States District Judge

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