

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 06-cv-01142-WDM-MJW

KARYN S. PALGUT,

Plaintiff,

v.

CITY OF COLORADO SPRINGS,

Defendant.

ORDER

Plaintiff filed a motion in limine to exclude a memo from Manuela Fadely (Doc. No. 440) as being irrelevant, and if relevant, excludable pursuant to Fed. R. Evid. 403. Plaintiff does not explain how the evidence would be excludable under Rule 403. Defendant responds arguing that witness Fadely heard Plaintiff's negative reaction to being required to submit to a drug screening and take a physical as part of her enrollment in the training academy. Defendant asserts that this evidence is relevant to show Plaintiff's poor attitude which Defendant claims one of the bases for terminating or not hiring her. If properly presented, this evidence may be relevant and, if admitted as relevant, no reason has been given to exclude it under Rule 403. Accordingly, Plaintiff's Motion in Limine to Exclude an August 2, 2004 Memo from Manuela Fadely is

denied as to relevancy at this time without prejudice to further objection when presented at trial.

DATED at Denver, Colorado, on April 6, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Walker D. Miller", written in a cursive style.

s/ Walker D. Miller
United States District Judge