

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Wiley Y. Daniel

Civil Action No. 09-cv-01000-WYD-MEH

RICHARD MADDOX, Conservator of the Estate and Affairs of Virginia Maddox,  
  
Plaintiff,

v.

STEPHEN VENEZIO,  
  
Defendant.

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**ORDER**

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THIS MATTER came before the Court on a Final Trial Preparation Conference on October 11, 2011. For the reasons stated on the record, it is

ORDERED that Plaintiff's Motion to Exclude Defendant's Expert Witness Thomas Feiereisen, P.E. (ECF No. 96 filed March 11, 2011) is **DENIED** to the extent it seek to exclude Mr. Feiereisen as an expert and **DEFERRED** until trial as to the admissibility of his opinions. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Drug Use (ECF No. 102 filed August 16, 2011) is **DENIED AS MOOT**. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Defendant's Departure from Employment (ECF No. 103 filed August 16, 2011) is **DEFERRED** until trial. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Accepting Responsibility for the Accident (ECF No. 104 filed August 16, 2011) is **DENIED**. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Evidence of Whether Venezia Has Ever Seen a Jaywalker or has Jaywalked Himself (ECF No. 105 filed August 16, 2011) is **DENIED**. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Defendant's Decision Not to Contact Virginia Maddox Following the Accident (ECF No. 106 filed August 17, 2011) is **DEFERRED** until trial. No reference to this issue shall be made in opening statements or in the presence of the jury until the admissibility of this evidence is resolved. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Bumper Sticker and License-Plate Holder on the Vehicle Driven by Venezia (ECF No. 107 filed August 17, 2011) is **GRANTED**. Any probative value of this evidence is substantially outweighed by the danger of undue prejudice under Fed. R. Evid. 403. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Defendant's Definition of "Careless," "Careless Driving," or "Dangerous" Driving (ECF No. 108 filed August 17, 2011) is **DEFERRED** until trial. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Reference to Venezia's Liability Insurer (ECF No. 109 filed August 17, 2011) is **GRANTED** to the extent it precludes Plaintiff's counsel from referencing the insurance adjuster or State Farm in opening statements or in Plaintiff's case in chief unless Plaintiff denies the

statements at issue that were made to the insurance adjuster. At that point Plaintiff can offer this evidence as impeachment or on rebuttal. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Evidence Concerning Dr. Quintero's IME Policies (ECF No. 110 filed August 17, 2011) is **DENIED AS MOOT**. It is

FURTHER ORDERED that Defendant's Motion in Limine Re: Dr. Quintero's Opinions in Other Cases (ECF No. 111 filed August 18, 2011) is **DENIED**. Finally, it is

ORDERED that as to Plaintiff's proposed amendments to the Pretrial Order (ECF No. 143 filed October 7, 2011), Plaintiff is not permitted to amend the Pretrial Order to add witnesses Maxine Dimik, Ralph Camardo and Jennifer Rytel, as Plaintiff has not shown manifest injustice in connection with these witnesses. Plaintiff is permitted to amend the Pretrial Order to add Plaintiff's current treating physician Dr. Negge, as Plaintiff has shown manifest injustice if Dr. Negge were not permitted to testify at trial. Plaintiff must present Dr. Negge for a deposition before trial.

Dated this 28th day of October, 2011.

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
CHIEF UNITED STATES DISTRICT JUDGE