

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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RODNEY BRADSHAW,

Plaintiff,

v.

SONNY PERDUE, Secretary, United  
States Department of Agriculture,

Defendant.

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Civil Action No. 04-1422 (PLF)


MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion in Limine to Exclude Testimony Regarding Mark Hendrickson [Dkt. No. 191]. The Court has carefully considered the motion, plaintiff's opposition, and defendant's reply, as well as the supporting exhibits and relevant affidavits, declarations, and deposition excerpts in the record before the Court. The Court has also reviewed its summary judgment opinion in this case, Bradshaw v. Vilsack, 102 F. Supp. 3d 327 (D.D.C. 2015).

Because this will be a bench trial, the Court need not make final determinations on relevance, probative value, and prejudice until the trial itself or even after the conclusion of the trial. In fairness to the plaintiff, therefore, the Court will not exclude testimony respecting plaintiff's conversations and interactions with Mark Hendrickson. To the extent that permitting such testimony potentially burdens third-party witnesses, including Mr. Hendrickson or others no longer employed by defendant, the Court will admit the relevant portions of prior depositions at trial. Furthermore, should either party request Mr. Hendrickson's live testimony at trial, the Court will permit him to testify by video conference. With those provisos, the Court will deny the pending motion in limine. Accordingly, it is hereby

ORDERED that Defendant's Motion in Limine [Dkt. No. 191] to Exclude  
Testimony Regarding Mark Hendrickson is DENIED.

SO ORDERED.

  
PAUL L. FRIEDMAN  
United States District Judge

DATE: 12/21/17