

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ALEXIS JOHNSON,

Plaintiff,

v.

GOLDEN VALLEY NATURAL,
LLC,

Defendant.

Case No. 4:19-cv-00105-BLW

MEMORANDUM DECISION AND
ORDER

BACKGROUND

Trial in this matter is set for September 14, 2020. Johnson has claims for hostile work environment based upon sexual and racial harassment, disparate treatment based on sex and race ready for trial and constructive discharge. Plaintiff has filed a motion in limine seeking an advance ruling as to certain evidentiary matters. Dkt. 31.

LEGAL STANDARD

There is no express authority for motions in *limine* in either the Federal Rules of Civil Procedure or the Federal Rules of Evidence. Nevertheless, these motions are well recognized in practice and by case law. *See, e.g., Ohler v. United States*, 529 U.S. 753, 758 (2000). The key function of a motion in limine is to “exclude prejudicial evidence before the evidence is actually offered.” *Luce v.*

United States, 469 U.S. 38, 40 (1984). A ruling on a motion in limine is essentially a preliminary ruling, which may be reconsidered in the context of trial. *Id.* at 41.

ANALYSIS

Johnson seeks to exclude any mention of the following matters at trial: (1) witness Pamela Cortez's lawsuit against Golden Valley, except to say that it is ongoing; (2) Defendant's First Affirmative Defense alleging that the complaint fails to state a claim upon which relief can be granted; and (3) Defendant's Second Affirmative Defenses which allege that Johnson's claims are barred or limited by assumption of risk, contributory negligence, estoppel, laches, release, waiver, acquiescence, unclean hands, and ratification. Johnson also seeks a pretrial ruling that the deposition testimony of the parties and witnesses and defendant's signed responses to interrogatories are admissible at trial. The deadline for filing a response has passed and Golden Valley has not objected to this motion. Therefore, the Court will grant the motion.

IT IS ORDERED that:

1. Plaintiff's Motion in Limine (Dkt. 31) is GRANTED.



DATED: September 5, 2020

B. Lynn Winmill

B. Lynn Winmill
U.S. District Court Judge