

GRANTS Plaintiff's motion, with the caveat that the issues may be reassessed as evidence is presented at trial.

With regard to Defendants' Motion [141], the motion is GRANTED and the following evidence is excluded: Topic D (2014 Dickgrafe incident), Topic E (Prior representation/ disqualification), and Topic H (miscellaneous topics). Defendants' Motion is DENIED as follows: Topics F and G are allowed. The motion is GRANTED IN PART regarding Topic C, and reference to the *Shirkey* matter will only be allowed for the narrow purpose of impeachment during cross-examination of defendant Rebenstorf. Counsel are to approach for a sidebar conference prior to engaging in examination regarding the *Shirkey* matter.

With regard to Defendants' Objections [142]: Objections to Topics A & B (Metz testimony & related Pl.'s Trial Exs. 48, 51) are overruled, but counsel are cautioned regarding the narrowing of questioning to avoid privilege issues. Objections to Topic C (Pl.'s Trial Ex. 6) are moot per the parties' agreement. Objections to Topic D (Pl.'s Trial Exs. 52-54) are overruled. Objections to Topic E (Pl.'s Exs. 59-61) are moot per parties' agreement to exclude unless necessary for impeachment. Objections to Topic F (Pl.'s Ex. 68) are upheld & the transcript excluded. Objections to Topic G (Pl.'s Ex. 29) are overruled.

IT IS SO ORDERED.

DATED January 13, 2017.

S/ Gwynne E. Birzer
GWYNNE E. BIRZER
U.S. MAGISTRATE JUDGE