

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION at LONDON

CIVIL ACTION NO. 6:01-CV-339-KKC

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

PLAINTIFF,

v.

**OPINION AND ORDER**

WAL-MART STORES, INC.,

DEFENDANT.

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This matter is before the Court on Wal-Mart's Motion in Limine to Exclude Evidence of Discrimination by Non-Decisionmakers, Non-Employees, and Managers not Involved in the Hiring Process (DE 495) and Wal-Mart's Motion to Exclude Evidence of Alleged Sexual Harassment (DE 503).

With the first motion (DE 495), Wal-Mart provides a list of twelve statements it seeks to exclude but indicates the statements are a "non-exhaustive list." The Court will DENY the motion as to any statements other than the 12 specifically identified by Wal-Mart. Further, the Court will DENY the motion as to the 12 statements identified by Wal-Mart on the grounds that Wal-Mart only makes general objections based on hearsay, relevance, prejudice, and confusion, without applying the relevant law to each statement. Further, at this point, it is not even known which, if any, of the comments will be introduced at trial.

With the second motion (DE 503), Wal-Mart seeks to prohibit the EEOC from introducing evidence of "a so-called hostile work environment via (disputed) testimony of female employees." Wal-Mart does not identify the statements it seeks to exclude but only provides "example." Further,

it asserts only general objections based on relevancy and prejudice. Accordingly, the Court will also DENY this motion.

The better approach to dealing with these issues is for Wal-Mart to make the appropriate objection at trial so that, before ruling, the Court may understand the context of the statement, the person who made the statement, and the manner by which the statement is to be introduced at trial.

Dated this 18<sup>th</sup> day of February, 2010.



**Signed By:**

**Karen K. Caldwell** *KKC*

**United States District Judge**