

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

DAWN WALLACE

CIVIL ACTION

VERSUS

14-657-SDD-RLB

THE BOARD OF SUPERVISORS  
FOR THE UNIVERSITY OF  
LOUISIANA SYSTEM  
(SOUTHEASTERN LOUISIANA  
UNIVERSITY)

**RULING**

Before the Court is the Defendant's, Board of Supervisors for the University of Louisiana System (Southeastern Louisiana University) ("Southeastern"), *Motion in Limine to Exclude Evidence Regarding Other Female Faculty Members*.<sup>1</sup> The Plaintiff, Dawn Wallace ("Wallace"), did not file any opposition to the Motion.

This is an equal pay and retaliation case. The Plaintiff alleges wage discrimination on the basis of gender and retaliation for filing an EEOC complaint.<sup>2</sup> In discovery, the Plaintiff identified seven female faculty members that she may call as witnesses at the trial of this matter. These faculty witnesses were, likewise, identified in the *Pretrial Order*.<sup>3</sup> Defendant maintains that "evidence regarding the salaries, promotions, or other circumstances of other female faculty members is not relevant to the claims before this Honorable Court and should be excluded at trial."<sup>4</sup> The gist of the Defendant's argument

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<sup>1</sup> Rec. Doc. 59.

<sup>2</sup> Rec. Doc. 1.

<sup>3</sup> Rec. Doc. 57.

<sup>4</sup> Rec. Doc. 59-1.

is that the testimony of other faculty members is irrelevant and, hence inadmissible, unless and until it is shown that they are “similarly situated”.<sup>5</sup>

The Court defers ruling on the admissibility of the testimony of other female faculty until the time of trial. On the record before it, the Court is unable to make a finding on whether the proposed faculty witnesses are similarly situated. Hence, the determinations of relevance and the weighing of probative value against possible prejudice under F.R.E. 401 and 403 are best made at trial after development of the record.

The *Motion in Limine*<sup>6</sup> is DENIED with full reservation of the Defendant to object at the time of trial.

**IT IS SO ORDERED.**

Signed in Baton Rouge, Louisiana on February 13, 2017.

  
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**JUDGE SHELLY D. DICK**  
**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**

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<sup>5</sup> Rec. Doc. 59-1 citing, *Gasparini v. Boeing Def. & Space-Corinth Co.*, 145 F.3d 360 (5th Cir. 1998); *Smith v. Wal-Mart Stores*, 891 F.2d 1177, 1180 (5th Cir.1990); *Gage v. Metro. Water Reclamation Dist. of Greater Chicago*, 365 F. Supp. 2d 919, 934 (N.D. Ill. 2005), and *Ajayi v. Aramark Bus. Servs., Inc.*, 336 F.3d 520, 531-32 (7th Cir.2003).

<sup>6</sup> Rec. Doc. 59.