

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

HEARTS WITH HAITI, INC. and	)	
MICHAEL GEILENFELD,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	2:13-cv-00039-JAW
	)	
PAUL KENDRICK,	)	
	)	
Defendant.	)	

**ORDER ON DEFENDANT’S MOTION IN LIMINE TO EXCLUDE  
REFERENCES OR TESTIMONY CONCERNING  
SANCTIONS OR CONTEMPT**

The Court has found Paul Kendrick, the Defendant in this case, to have violated court orders on several occasions, leading to the impositions of sanctions. *See Order on Consolidated Mot. for Sanctions* (ECF No. 293) (recounting the Defendant’s history of violations and sanctioning him for violating the Court’s Confidentiality Orders). In anticipation of trial, on June 12, 2015, the Defendant moved in limine to exclude “any reference or testimony in the presence of the jury to or concerning any pending or decided motion for sanctions or contempt against” him on the ground that the evidence is inadmissible under Rules 401 and 403. *Def.’s Mot. in Limine to Exclude References or Test. Concerning Sanctions or Contempt* at 1 (ECF No. 360). The Plaintiffs responded in opposition on June 24, 2015. *Pls.’ Opp’n to Def.’s Mot. in Limine to Exclude References or Test. Concerning Sanctions or Contempt* (ECF No. 401). The Plaintiffs agree with the Defendant except for one sanctions order they wish to reserve the right to reference during trial that prevents the Defendant “from

contesting at trial the plaintiffs' contention that every email on the spreadsheet attached to the Defendant's Proposed Stipulation Regarding Bcc Emails, dated September 5, 2014, was blind copied to more than 500 individual and institutional benefactors of [Plaintiffs]." *Id.* at 1 (quoting *Report of Hearing and Order Re: Disc. Disputes and Pending Mots.* at 3 (ECF No. 244) (*Sanctions Order*)). In Plaintiffs' view, the Sanctions Order "is relevant to a host of issues in this case including the elements of plaintiffs[] tort claims . . . and damages . . . . Plaintiffs must be able to reference the sanctions order and any supplement thereto within their case-in-chief." *Id.*

The Court recently issued an order granting in part Plaintiffs' Motion to Supplement Order of ECF No. 244 (ECF No. 366):

To the extent the Plaintiffs are seeking an instruction for emails attached to their motion, which are admitted into evidence at trial, that the Defendant blind copied those emails to at least 500 individual and institutional benefactors of Hearts With Haiti, Inc., Michael Geilenfeld, and/or St. Josephs Family of Haiti, the Court GRANTS the motion, assuming that the Plaintiffs have established that the admitted emails bear the same characteristics as the emails listed in the spreadsheet referred to in the September 5, 2014 Order.

*Order on Mot. to Supplement Order of ECF No. 244* at 6 (ECF No. 414). Once again, in accordance with this most recent Order, if Plaintiffs establish at trial that the emails are admissible and if those emails bear the same characteristics as the emails listed in the spreadsheet referred to in the Sanctions Order, Mr. Kendrick will be prevented from disputing that he blind copied those emails to at least 500 individual benefactors of Hearts With Haiti, Inc., Michael Geilenfeld, and/or St. Josephs Family of Haiti.

The Court GRANTS in part and DENIES in part Defendant's Motion in Limine to Exclude References or Testimony Concerning Sanctions or Contempt (ECF No. 360). To the extent Mr. Kendrick seeks to contest at trial that admitted emails bearing the same characteristics in the spreadsheet referred to in ECF No. 244 were blind copied to at least 500 individual benefactors of Hearts With Haiti, Inc., Michael Geilenfeld, and/or St. Josephs Family of Haiti, the Court DENIES the motion. To the extent Mr. Kendrick seeks exclusion of sanction motions and orders other than ECF No. 244, because the Plaintiffs do not object, the Court GRANTS the motion.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 30th day of June, 2015