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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ARTANO AIDINI, Plaintiff, v. COSTCO WHOLESALE CORPORATION, Defendant.	Case No. 2:15-cv-00505-APG-GWF **ORDER DENYING MOTION IN LIMINE REGARDING ARGUMENT THAT COSTCO DID NOT CREATE THE UNSAFE CONDITION** (ECF No. 43)

Plaintiff Artano Aidini moves to preclude defendant Costco Wholesale Corporation from making any reference or argument that anyone other than a Costco employee is responsible for the location of the box that Aidini tripped on or otherwise arguing that Costco did not create this "unsafe condition."

The identity of the person responsible for placing the box where it was is a question for the jury. Although Costco concedes that its employees put boxes in the vicinity of Aidini's fall, there is some evidence suggesting that another Costco customer could have nudged the box, causing it to end up where it did. Aidini testified that around the time he fell, there were "other people walking through" the area. ECF No. 69-1 at 7. Surveillance video shows that at least one person, who did not work for Costco, walked through that area only three minutes before Aidini fell. ECF No. 69-1. And even if Costco's employees did put the box where it was, that would not mean that it would be foreclosed from arguing to the jury that the box was not an "unsafe" condition or that Aidini was partially responsible for the fall.

IT IS THEREFORE ORDERED that plaintiff Artano Aidini's motion in limine **(ECF No. 43) is DENIED**.

DATED this 10th day of April, 2017.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

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