Aidini v. Costco Wholesale Corporation Doc. 87

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ARTANO AIDINI,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

Case No. 2:15-cv-00505-APG-GWF

ORDER DENYING MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING PLAINTIFF'S SURGERY OF NOVEMBER 23, 2016

(ECF No. 54)

Defendant Costco Wholesale Corporation moves to preclude plaintiff Artano Aidini from presenting evidence regarding his November 23, 2016 surgery because, as of December 23, 2016 (30 days before trial), Costco had not received medical records or bills from the surgery. Aidini responds that, after the motion was filed, the parties stipulated to an extension of the trial date to accommodate production of those files and to allow Costco to get an independent medical examiner, both of which occurred.

The exhibit attached to Aidini's reply seems to show that the dispute has been fully resolved. *See* ECF No. 60 at 14–15. On January 10, 2017, more than three months before the current trial date, Aidini produced medical and billing records from the November 2016 surgery. *Id.* Costco has had an opportunity to evaluate the new evidence and conduct an independent medical exam, *id.*, so it is not prejudiced by the presentation of evidence regarding the November 2016 surgery.

IT IS THEREFORE ORDERED that defendant Costco's motion in limine to preclude the plaintiff from presenting evidence regarding his November 23, 2016 surgery **(ECF No. 54) is DENIED**.

DATED this 10th day of April, 2017.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

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