

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN CERVANTES,
Plaintiff,
v.
EMERALD CASCADE RESTAURANT
SYSTEMS, INC., d.b.a., JACK-IN-
THE-BOX, INC., a Foreign Corporation,
Defendant.

3:11-cv-00242-VPC

MINUTES OF THE COURT

October 24, 2012

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is defendant's motion in limine to exclude evidence of defendant's net worth until after plaintiff proves a prima facie case for punitive damages (#45). Plaintiff did not oppose the motion.

Defendant asks this court for a ruling in limine prohibiting plaintiff from producing evidence of defendant's net worth until plaintiff has established at least a prima facie case for punitive damages at trial. Defendant contends that such evidence is irrelevant until plaintiff establishes a prima facie case for punitive damages; and that prior to such time, evidence of defendant's net worth would be unfairly prejudicial and distracting to the jury.

The court agrees. Evidence of defendant's net worth is not relevant unless and until plaintiff establishes a potential legal entitlement to punitive damages. See 999 v. C.I.T. Corp., 776 F.2d 866, 872 (9th Cir. 1985). Permitting the jury to consider evidence as to defendant's considerable net worth before this evidence becomes relevant could be unduly prejudicial to defendant and/or confuse the issues. See Fed.R.Evid. 403.

Accordingly, defendant's motion in limine to exclude evidence of defendant's net worth until after plaintiff proves a prima facie case for punitive damages (#45) is hereby **GRANTED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____/s/_____
Deputy Clerk