IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

RAYMOND L. ZISUMBO, Plaintiff, v. OGDEN REGIONAL MEDICAL CENTER, Defendant.	MEMORANDUM DECISION AND ORDER DENYING DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TWO ETHICS LINE EXHIBITS Case No. 1:10-CV-73 TS

This matter is before the Court on Defendant's Motion in Limine to Exclude Two Ethics Line Exhibits.[1] Through its Motion, Defendant seeks to exclude an ethics line Case Planner report with a scheduled response date of October 17, 2009, and a close out memo dated October 20, 2009. Although the Case Planner report has a scheduled response date of October 17, 2009, significant portions of the document appear to have been written and/or printed on September 16, 2009.

[1]Docket No. 104.

Defendant argues that these documents must be excluded because Plaintiff has not designated any trial witnesses who reviewed the exhibits prior to the filing of the lawsuit. Due to this, Defendant argues that there will be no one at trial that can testify as to the purpose, meaning, and accuracy of the documents.

However, Plaintiff correctly points out that portions of the document were sent to Defendant's Ethics Compliance Officer, Judd Taylor, in 2009.[2] In fact, it appears that the majority of the documents are either written in the first-person by Mr. Taylor, or are summaries of his findings after his investigation. Mr. Taylor is listed as a witness in this case, and he may be available to testify as to the purpose, meaning, and accuracy of the documents. Each of the exhibits contain a collection of several documents, and the Court cannot at this time determine whether or not Plaintiff will be able to lay a sufficient foundation for each of these documents. The Court will therefore deny Defendant's Motion to the extent it seeks to categorically bar the two ethics line exhibits on foundation grounds. Defendant may object to the admission of specific exhibits or portions thereof, where appropriate, at trial.

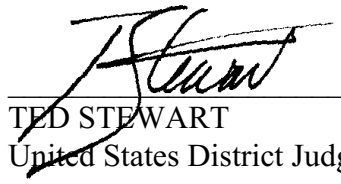
It is therefore

ORDERED that Defendant's Motion in Limine to Exclude Two Ethics Line Exhibits (Docket No. 104) is DENIED WITHOUT PREJUDICE, according to the terms of this Order.

[2]Docket No. 104-2, at 4.

DATED July 26, 2013.

BY THE COURT:



TED STEWART
United States District Judge