

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

<p>RAYMOND L. ZISUMBO,</p> <p>Plaintiff,</p> <p>v.</p> <p>OGDEN REGIONAL MEDICAL CENTER,</p> <p>Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING PLAINTIFF'S MOTION IN LIMINE RE: JOYCE PARK</p> <p>Case No. 1:10-CV-73 TS</p>
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This matter is before the Court on Plaintiff's Motion in Limine Re: Joyce Park.¹ Through his Motion, Plaintiff seeks to exclude from trial any testimony from Ms. Park, Plaintiff's former supervisor at Ogden Regional Medical Center ("ORMC"). According to Plaintiff, any such testimony is irrelevant to the claims at issue because Ms. Park left ORMC in early 2007, well before the events that give rise to Plaintiff's claims.

Federal Rule of Evidence 401 defines relevant evidence as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the

¹Docket No. 110.

evidence. Federal Rule of Evidence 402 bars the introduction of any evidence that is not relevant.²


“The bar for admission under Rule 401 is very low. This is because the degree of materiality and probativity necessary for evidence to be relevant is minimal and must only provide a fact-finder with a basis for making some inference, or chain of inferences.”³

Ms. Park acted as Plaintiff’s supervisor at ORMC. Thus, she may provide testimony relevant to Plaintiff’s failure to promote claim. For this reason, the Court finds that Ms. Park’s potential testimony meets the low threshold for admission under Rule 401 and will deny Plaintiff’s Motion. It is therefore

ORDERED that Plaintiff’s Motion in Limine Re: Joyce Park (Docket No. 110) is DENIED.

DATED July 26, 2013.

BY THE COURT:



TED STEWART
United States District Judge

²*Koch v. Koch Indus., Inc.*, 203 F.3d 1202, 1227 (10th Cir. 2000) (internal quotation marks and citations omitted).

³*United States v. Jordan*, 485 F.3d 1214, 1218 (10th Cir. 2007) (internal quotations and citations omitted).