

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

SHAUN L. CHRISTENSEN,
Plaintiff,

vs.

PARK CITY MUNICIPAL CORP.,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION IN LIMINE TO
PRECLUDE DEFENDANT FROM
INTRODUCING EVIDENCE ON
FACTS THAT HAVE BEEN
ESTABLISHED AS UNDISPUTED

Case No. 2:06-CV-202 TS

Plaintiff argues that by quoting facts from his Amended Complaint in its Motion for Summary Judgment and not specifying that it had done so for the purposes of the Motion only, Defendant has judicially admitted those facts. Plaintiff argues the Court should deem them established under Fed. R. Civ. P. 56(g). Accordingly, he argues that Defendant should now be precluded from introducing evidence on those facts.


Defendant argues that the Pretrial Order controls regarding the disputed issues of fact for trial.

The Court agrees with Defendant. The issues of fact are those set forth in the Pretrial Order. It is therefore

ORDERED that Plaintiff's Motion in Limine to Preclude Defendant's Attempts to Contradict Facts that Have Been Established as Undisputed (Docket No. 123) is DENIED.

DATED February 28, 2011.

BY THE COURT:



TED STEWART
United States District Judge