
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SALT LAKE CITY CORPORATION, a Utah municipal corporation; BP PRODUCTS NORTH AMERICA, INC., a Maryland corporation; and CHEVRON U.S.A. INC., a Pennsylvania corporation,

Plaintiffs,

v.

ERM-WEST, INC., a California corporation; COMPASS ENVIRONMENTAL, INC., a Delaware corporation; and WRS INFRASTRUCTURE AND ENVIRONMENT, INC., a North Carolina corporation, d/b/a WRSCOMPASS, INC.,

Defendants.

MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT ERM'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF SALT LAKE CITY'S OBLIGATION TO SHARE RECOVERY

Case No. 2:11-CV-1174 TS

District Judge Ted Stewart

This matter is before the Court on Defendant ERM-West, Inc.'s ("ERM") Motion in Limine to Exclude Evidence of Salt Lake City's Obligation to Share Recovery. In its Motion, ERM seeks to exclude evidence of or reference to any alleged obligation by the City to share any recovery in this action with the other Plaintiffs.

Under Federal Rule of Evidence 401, "[e]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." Rule 403 states that "[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time,

or needlessly presenting cumulative evidence.” “Rule 403 does not protect a party from all prejudice, only unfair prejudice.”¹

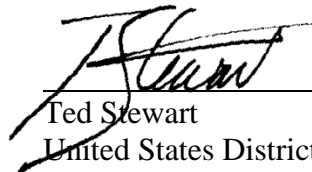
Having carefully considered the parties’ arguments, the Court finds that evidence of an obligation by the City to share any recovery with the other Plaintiffs has minimal relevance. Any relevance is substantially outweighed by the danger of confusing the issues, misleading the jury, undue delay, and wasting time.

It is therefore

ORDERED that Defendant ERM’s Motion in Limine to Exclude Evidence of Salt Lake City’s Obligation to Share Recovery (Docket No. 483) is GRANTED.

DATED this 4th day of February, 2016.

BY THE COURT:



Ted Stewart
United States District Judge

¹ *Deters v. Equifax Credit Info. Servs., Inc.*, 202 F.3d 1262, 1274 (10th Cir. 2000).