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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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TAYLOR HARPER,

Plaintiff,

v.

MICHAEL TVETER,

Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
MOTION IN LIMINE TO EXCLUDE  
GRUESOME AND CUMULATIVE  
PHOTOGRAPHS

Case No. 2:13-CV-889 TS

District Judge Ted Stewart

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This matter is before the Court on Defendant's Motion in Limine to Exclude Gruesome and Cumulative Photographs. In his Motion, Defendant seeks the exclusion of certain photographs of Plaintiff's injuries and resulting scarring under Federal Rule of Evidence 403.

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."<sup>1</sup>

Having reviewed the photographs at issue, the Court finds that Defendant has failed to show that the probative value of these photographs is substantially outweighed by their prejudicial effect. While some of the photos are graphic, they are necessary to demonstrate the nature and extent of Plaintiff's injuries. Further, Plaintiff has agreed to remove some of the

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

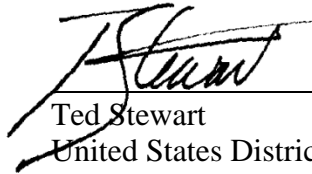
duplicate photographs, lessening the potential for undue delay and needlessly presenting cumulative evidence.

It is therefore

ORDERED that Defendant's Motion in Limine to Exclude Gruesome and Cumulative Photographs (Docket No. 51) is DENIED.

DATED this 11th day of August, 2015.

BY THE COURT:



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Ted Stewart  
United States District Judge