

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRICE, *et al.*,

Plaintiffs,

v.

SHELL OIL COMPANY, *et al.*,

Defendants.

CASE NO. C11-1553-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on parties' questions to clarify the Court's June 20, 2017 order. (*See* Dkt. Nos. 227, 233, 234.) The Court responds to parties' questions as follows:

- (1) Prior rulings on motions in limine are operative on retrial.
- (2) The Court will not entertain new motions in limine on retrial.
- (3) The Court will allow witnesses listed in trial briefs, but not called in the first trial, to testify on retrial.
- (4) The Court will entertain a motion to take perpetuation depositions of ill witnesses.
- (5) The Court will allow parties to enter exhibits from documents exchanged during 2013 discovery, even if not entered in the prior trial.
- (6) The Court will allow documents produced or testimony given before the conclusion

1 of the 2014 trial to be used to impeach on retrial.

2 (7) The Court will not allow parties to use statements of a party opponent made after the
3 2014 trial for impeachment purposes.

4 (8) The Court reserves determination on whether it will admit updated earning loss
5 projections pending further information at trial.

6 (9) The Court will not allow Plaintiffs to testify regarding additional emotional distress
7 since the 2014 trial.

8 (10) In response to Plaintiff's request for guidance on how to police witnesses from
9 commenting on events that took place after the first trial, the Court advises Plaintiff to
10 clearly instruct and prepare witnesses and to clarify dates of events during
11 questioning.

12 DATED this 27th day of December 2017.

13 William M. McCool
14 Clerk of Court

15 s/Tomas Hernandez
16 Deputy Clerk