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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

7 RICHARD AND LORIANN
8 WILLIAMS,

9 Plaintiffs,

10 v.

11 STARRAG GROUP HOLDING AG, et
al.,

12 Defendants.

C14-764 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 Plaintiffs' motions in limine, docket no. 71, are GRANTED in part, DENIED in
16 part, and DEFERRED in part as follows:

17 (1) Plaintiffs' first motion in limine, as to "irrelevant evidence," is
18 DENIED. Because plaintiffs did not identify specific items of evidence the Court
19 should exclude, the Court will address relevancy objections to specific evidence, if
any, at trial;

20 (2) Plaintiffs' second motion in limine, as to "Irrelevant Evidence of
21 Richard Williams' Remote Medical History," is DENIED;

22 (3) Plaintiffs' third motion in limine, as to "Thousands of Documents
23 Produced in Discovery Only In German," is DENIED;

(4) Plaintiffs' fourth motion in limine, as to unspecified "Undisclosed
Documents and Information," is DEFERRED to the pretrial conference;

1 (5) Plaintiffs' fifth motion in limine, as to "Evidence of Workers
2 Compensation and Other Benefits," is DEFERRED to the pretrial conference.

3 (6) Plaintiffs' sixth motion in limine, as to "evidence relating to the facts
4 that a recovery by plaintiffs would or would not be subject taxation or that his
5 income would or would not be subject to taxation," is GRANTED;

6 (7) Plaintiffs' seventh motion in limine, as to "references to the failure
7 of plaintiffs to call additional witnesses where such testimony would be
8 cumulative," is GRANTED. Neither party shall make reference to the opposing
9 party's failure to call additional witnesses where such testimony would be
10 cumulative;

11 (8) Plaintiffs' eighth motion in limine, as to "witnesses, movies,
12 photographs, or other evidence relating to the case previously requested but not
13 disclosed during discovery," is DEFERRED to the pretrial conference;

14 (9) Plaintiffs' ninth motion in limine, as to the exclusion of non-party
15 witnesses from the courtroom during the course of trial, is GRANTED except for a
16 designated corporate representative of defendant Dörries Scharmann Technologie,
17 GmbH ("DST");

18 (10) Plaintiffs' tenth motion in limine, as to evidence or argument
19 concerning the fact that motions were filed, the content thereof, or any ruling
20 made by the court regarding those motions, is GRANTED. Neither party shall
21 make reference to the filing of motions in this case or the Court's rulings with
22 respect to such motions;

23 (11) Plaintiffs' eleventh motion in limine, as to the fact that attorney's
fees, costs, and treble damages may be taxed to the defendants in this action, is
GRANTED as to costs and DENIED as moot as to attorney's fees and treble
damages;

(12) Plaintiffs' twelfth motion in limine, as to evidence that "consumers
have filed a comparatively low percentage of lawsuits and claims, when compared
to the total number of the defendants' sales transactions in any given period," is
GRANTED. This ruling shall not preclude defendants from offering evidence that
Mr. Williams's fall is the only claim or accident reported to DST involving a DST
Alpha 1000 M;

(13) Plaintiffs' thirteenth motion in limine, as to "any speculation or
argument about the substance of the testimony of any witness who is absent or
unavailable, or whom the plaintiffs did not call to testify," is GRANTED. Neither

1 party shall offer speculation or argument about the substance of the testimony of
2 any witness who is absent, unavailable, or was not called to testify;

3 (14) Plaintiffs' fourteenth motion in limine, as to any references "to the
4 fact that the plaintiffs failed to call any witness equally available to all parties in
5 the case," is DEFERRED to trial;

6 (15) Plaintiffs' fifteenth motion in limine, as to any references to the
7 existence or filing of motions in limine, and any rulings thereon, is GRANTED.
8 Neither party shall make reference to the existence or filing of motions in limine in
9 this case, or any rulings on such motions;

10 (16) Plaintiffs' sixteenth motion in limine, as to references "to the time or
11 circumstance under which the plaintiffs' employed a lawyer, or that a motive,
12 purpose, or result of this lawsuit is or will be to compensate the plaintiffs' lawyer,
13 is GRANTED. Neither party shall offer evidence concerning the circumstances,
14 timing, purpose, result, or motivation for retaining counsel;

15 (17) Plaintiffs' seventeenth motion in limine, as to "argument in closing
16 statement that 'plaintiffs have asked for a greater amount of money than they
17 actually expect to be awarded,'" is GRANTED;

18 (18) Plaintiffs' eighteenth motion in limine, as to precluding defendants
19 from shifting blame to Boeing, is DENIED.

20 The Clerk is directed to send a copy of this Minute Order to all counsel of record.

21 Dated this 4th day of April, 2017.

22 William M. McCool
23 Clerk

s/Karen Dews
Deputy Clerk