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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ERIC KITAZI,

Plaintiff,

v.

SELLEN CONSTRUCTION  
COMPANY, INC. a corporation;  
ROBERT P. MCCLESKY director, in  
his individual and corporate capacities  
and on behalf of his marital community,  
JANE DOE MCCLESKY; KATE  
HARKESS, individually and in her  
official capacity; and KEN KNUDSEN,  
individually and in his official  
supervisory capacities,

Defendants.

CASE NO. C16-1651-MJP

ORDER GRANTING  
DEFENDANTS' MOTIONS IN  
LIMINE

THIS MATTER comes before the Court on Defendants' Amended Motions in Limine (Dkt. Nos. 59-1, 64). Having reviewed the Motion, the Response (Dkt. No. 49), and all related papers, the Court GRANTS Defendants' Motions in Limine.

1     **I. Motion in Limine No. 1: Photographs of Sellen Workers**

2             Plaintiff seeks to introduce a photograph showing a group of Sellen employees, taken at a  
3 jobsite and posted to the company’s social media account. (Dkt. No. 59-1 at 2.) Plaintiff  
4 contends that the photograph depicts a “representative group” of Sellen employees and “has  
5 probative value as to the racial composition of the workforce.” (Dkt. No. 49 at 2.) Defendant  
6 responds that the photograph shows “nothing more than a random sampling of workers who  
7 happened to be on a jobsite at a particular time,” and that even reliable evidence of the racial  
8 demographics of the company’s workforce is irrelevant because Plaintiff does not allege  
9 discriminatory patterns or practices or a generally discriminatory culture.” (Dkt. No. 59-1 at 2.)

10             The Court finds that the photograph is neither reliable evidence of Sellen’s employee  
11 demographics, nor relevant to the claims and defenses asserted in the litigation. The Court  
12 GRANTS Defendants’ Motion in Limine No. 1.

13     **II. Motion in Limine No. 2: Newspaper Articles**

14             Plaintiff seeks to introduce various newspaper articles discussing the company’s  
15 operations. (Dkt. No. 59-1 at 3; Dkt. Nos. 64-1–64-6.) Plaintiff contends the articles are  
16 relevant to the reasons for his termination, and that at least one includes admissions by a party-  
17 opponent. (Dkt. No. 49 at 3-4.) Defendant responds that the articles are irrelevant and  
18 inadmissible hearsay, and are not the best evidence of the workload for cement masons at the  
19 time of Plaintiff’s dismissal. (Dkt. No. 59-1 at 3.)

20             The Court finds that the articles describing various Sellen projects (Dkt. Nos. 64-2–64-6)  
21 are inadmissible hearsay. The Court finds that the article in which Sellen President Scott  
22 Redman describes potential labor shortages for construction workers, including cement masons  
23 (Dkt. No. 64-6), is neither an admission of a party-opponent, nor relevant to the claims and  
24 defenses asserted in the litigation. Plaintiff was terminated in November 2014, but the article

1 was not published until April 30, 2015, and merely predicts a potential labor shortage at some  
2 time “this year.” (Id.; see also Dkt. No. 37 at 13.) Therefore, the Court GRANTS Defendants’  
3 Motion in Limine No. 2.

4 The clerk is ordered to provide copies of this order to all counsel.

5 Dated December 7, 2017.

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8 Marsha J. Pechman  
United States District Judge