

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DARREN DONAHUE,

Plaintiff,

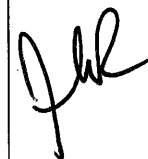
v.

RED ROBIN INTERNATIONAL, INC., a  
Nevada Corporation; RED ROBIN GOURMET  
BURGERS, INC., a Delaware Corporation; and  
HAROLD HART and his marital community,

Defendants.

No. 2:17-cv-00023-JLR

STIPULATED MOTION AND  
~~PROPOSED~~ ORDER REGARDING  
ADMISSIBILITY OF EVIDENCE AT  
TRIAL



I. STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by Plaintiff and Defendants, that the following are excluded from evidence unless otherwise agreed to or ordered by the Court:

- A. All testifying non-parties shall be excluded from the court room prior to testifying under FRE 612;
- B. ~~All questions, evidence, references to settlement offers, negotiations, mediation,~~ or offers of judgment under FRE 408;
- C. All references to attorney's fees or shifting attorney's fees at trial.
- D. Any potential witnesses or documents not identified in discovery or on Initial Disclosures;
- E. Reference to Red Robin's or its officers' wealth, unless the Court has first allowed the issue of punitive damages to be heard by the jury;
- F. Any improper argument in opening or closing, such as urging the jury to "send a message' with the verdict (other than if authorized for punitive damages) or "golden rule" arguments such as "put yourself in a party's shoes."
- G. Evidence of motions *in limine* or other pre-trial rulings (such as summary judgment);
- H. Any evidence of insurance paying all or part of the judgment; evidence of any payments falling under the collateral source rule like unemployment insurance, short-term disability, or claims that Plaintiff received pay while on medical leave when the source of the payments was short-term disability."

The parties respectfully request the Court sign the Proposed Order below endorsing this stipulation.

//

STIPULATED to this 14<sup>th</sup> day of May, 2018.

THE BLANKENSHIP LAW FIRM, P.S.

FISHER & PHILLIPS, LLP

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*Attorneys for Plaintiff*

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*Attorneys for Defendants*

II. ORDER

THIS MATTER having come before the undersigned judge pursuant to the foregoing stipulation, and the Court being fully advised, it is hereby ORDERED as follows:

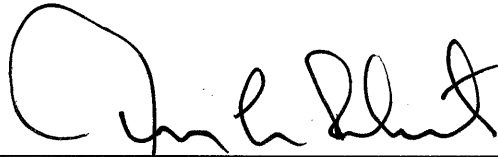
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- G. Evidence of motions *in limine* or other pre-trial rulings (such as summary judgment);
- H. Any evidence of insurance paying all or part of the judgment; evidence of any payments falling under the collateral source rule like unemployment insurance, short-term disability, or claims that Plaintiff received pay while on medical leave when the source of the payments was short-term disability."

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1 DATED this 16<sup>th</sup> day of May, 2018.

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THE HONORABLE JAMES L. ROBERT  
United States District Court Judge

PRESENTED BY:

THE BLANKENSHIP LAW FIRM, P.S.

FISHER & PHILLIPS, LLP

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*Attorneys for Defendants*

**DECLARATION OF SERVICE**

I hereby certify under penalty of perjury under the laws of the State of Washington that on the date and in the manner listed below I caused delivery of a true copy of the attached document to the following attorneys for Defendants:

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Catharine M. Morisset, WSBA No. 29682  
Margaret Burnham, WSBA No. 47860  
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- ☐ by Electronic Mail
- ☐ by Facsimile Transmission
- ☐ by First Class Mail
- ☐ by Hand Delivery
- ☐ by Overnight Delivery
- ☒ by Notification via E-filing System

*Attorneys for Defendants*

DATED this 14<sup>th</sup> day of May, 2018, at Seattle, Washington.

s/ Richard E. Goldsworthy  
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