

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RUSSELL BRANDT,

Plaintiff,

v.

COLUMBIA CREDIT SERVICES, INC., a
Delaware Corporation, WALES &
WOEHLER, INC., P.S., a Washington
Corporation, JASON L. WOEHLER, WSBA
Number 27658, and SACOR FINANCIAL,
INC., a California Corporation,

Defendants.

Case No. C17-703RSM

ORDER RE: MOTIONS IN LIMINE

I. INTRODUCTION

This matter comes before the Court on Plaintiff Russell Brandt’s Motions in Limine, Dkt. #30. Wales & Woehler, Inc., P.S., and Jason L Woehler, the only remaining Defendants in this case, have not filed motions in limine, and have not responded to Plaintiff’s Motions. For the reasons set forth below, these Motions are GRANTED and DEFERRED as set forth below.

II. AGREED MOTIONS IN LIMINE

The Court will first address the Motions in Limine proposed by Plaintiff and agreed to by Defendant. While some of these Motions attempt to sort out the facts and legal arguments that are available at trial given prior rulings, other Motions cite settled and well-understood law that

1 applies in every case. Local Rule 7(d)(4) directs the parties to meet in good faith in an effort to
2 *resolve* which matters are in dispute. As such, the Court would expect the parties to resolve many
3 of these issues without needing the Court’s intervention. However, for clarity the Court will grant
4 these Motions as stated. Plaintiff’s Motions 1a, 1c, 1g, and 3 – 13 are GRANTED.

5
6 **III. PLAINTIFF’S MOTIONS IN LIMINE**

7 The remaining Motions in Limine are proposed by Plaintiff and ostensibly objected to by
8 Defendants. However, Defendants have not filed responsive briefing, leaving the Court to
9 speculate as to the nature of such objections.

10 1b) Plaintiff asks the Court to exclude “[r]eferences to Sacor/CCS’s actions giving rise to
11 liability as an explanation for the remaining Defendants’ actions...” given the Court’s prior
12 rulings. Dkt. #30 at 5. The Court finds this Motion lacks sufficient detail to enable a
13 ruling at this time. This Motion is DEFERRED.

14
15 1d) Plaintiff seeks to exclude evidence related to Defendant’s reputation as irrelevant to the
16 issue of damages. *Id.* The Court agrees that such evidence or testimony is properly
17 excluded under FRE 401. This Motion is GRANTED.

18
19 1e) and 1f) Plaintiff moves to exclude evidence related to the intent or reasonableness of
20 Defendants’ actions. Defendants are not to present to the jury testimony related to the
21 reasonableness of their actions or their state of mind as this is irrelevant to the question of
22 damages. Such testimony or evidence may be relevant to the statutory damages to be
23 determined by the Court and may occur outside the presence of the jury to the extent it is
24 relevant. These Motions are GRANTED IN PART as set forth above.

25
26 2) Plaintiff moves to exclude evidence or witnesses not previously disclosed. Rule
27 26(a)(1)(A)(i) requires identification of “each individual likely to have discoverable
28

1 information—along with the subjects of that information—that the disclosing party may
2 use to support its claims or defenses, unless the use would be solely for impeachment.”
3 Rule 26(e) requires parties to timely supplement their disclosure of potential witnesses.
4 Plaintiff argues that Defendants have never disclosed witnesses. Defendants do not
5 respond. According to the Proposed Pretrial Order, it appears Defendants will not present
6 any exhibits and only call two witnesses, Jason Woehler and possibly Frank Huguenin.
7 Dkt. #31. Given the above, this Motion is GRANTED, and Defendants are prohibited
8 from presenting witnesses other than Defendant Woehler, unless the use would be solely
9 for impeachment.
10

11 **IV. DEFENDANTS’ MOTIONS IN LIMINE**

12 Defendants have not filed any motions in limine.
13

14 **V. CONCLUSION**

15 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
16 finds and ORDERS that Plaintiff’s Motions in Limine are GRANTED AND DEFERRED as
17 stated above.
18

19
20 DATED this 31st day of May, 2018.

21
22 

23 **RICARDO S. MARTINEZ**
24 **CHIEF UNITED STATES DISTRICT JUDGE**
25
26
27
28