

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER SANCHEZ,

Plaintiff,

v.

KEVIN K. McALEENAN, Acting
Secretary, United States Department of
Homeland Security, Immigration and
Customs Enforcement,¹

Defendant.

C17-1353 TSZ

MINUTE ORDER

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

(1) Plaintiff’s motion in limine, docket no. 74, is GRANTED in part, DENIED in part, and DEFERRED in part as follows:

1. Motion to exclude evidence not disclosed prior to close of discovery is DEFERRED and the parties should be prepared to identify any such evidence at the Pretrial Conference;
2. Motion to exclude evidence of discipline imposed against Immigration and Customs Enforcement (“ICE”) agents after plaintiff initiated this lawsuit is DEFERRED to the Pretrial Conference;

¹ The Clerk is DIRECTED to correct the docket to reflect the correct spelling of the Acting Secretary’s last name.

- 1 3. Motion to exclude reference to related administrative decisions
2 including those made by the Merit Systems Protection Board and/or
the Equal Employment Opportunity Commission is GRANTED;
- 3 4. Motion to exclude evidence related to any driving under the
4 influence (“DUI”) allegations and/or DUI-related charges against
plaintiff prior to March 18, 2014, is DENIED;
- 5 5. Motion to exclude untimely disclosed expert opinions of William
6 Partin contained in his supplemental report is DENIED; motion to
exclude testimony beyond the scope of the individual’s expertise is
DEFERRED to trial;
- 7 6. Stipulated motion to exclude the testimony of Melissa Tillet, any
8 reference to statements made by Tillett, and any documents
produced by or obtained from Tillett is GRANTED;
- 9 7. Stipulated motion to exclude the testimony of Yakima Police
10 Officer Ryan Urlacher is DEFERRED to the Pretrial Conference;
- 11 8. Stipulated motion to limit evidence concerning plaintiff’s prior
termination and related lawsuit is DEFERRED to the Pretrial
12 Conference; and
- 13 9. Stipulated motion to exclude any witness not disclosed in discovery
is GRANTED.

14 (2) Defendant’s motion in limine, docket no. 72, is DENIED in part and
DEFERRED in part as follows:

- 15 A. Motion to exclude unfavorable evidence regarding Yakima Police
16 Officer Ryan Urlacher is DENIED;
- 17 B. Motion to exclude the expert report and testimony of Thomas
Missell is DENIED;
- 18 C. Motion to exclude testimony in support of plaintiff’s character is
19 DENIED;
- 20 D. Motion to exclude allegations about other employees that are
cumulative or lack foundation is DEFERRED to the Pretrial
21 Conference;
- 22 E. Motion to exclude irrelevant testimony about alleged comparators is
23 DEFERRED to the Pretrial Conference; at the Pretrial Conference,

1 plaintiff shall produce proposed exhibits 129 and 130 for the Court's
2 review; and

3 F. Motion to exclude evidence regarding discrete employment actions
4 against plaintiff by other decision makers is DEFERRED to the
5 Pretrial Conference.

6 (3) Defendant's motion to excuse potential jurors from viewing "unconscious
7 bias" video, docket no. 73, is DEFERRED to the Pretrial Conference.

8 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
9 record.

10 Dated this 11th day of September, 2019.

11 William M. McCool
12 Clerk

13 s/Karen Dews
14 Deputy Clerk