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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NICLAS FOSTER, as Personal Representative  
of the Estate of MEIKE FOSTER,

Plaintiff,

v.

AMERICAN HONDA MOTOR COMPANY,  
INC., a foreign corporation; HONDA MOTOR  
COMPANY, LTD., a foreign corporation;  
HONDA NORTH AMERICA, INC., a foreign  
corporation; HONDA OF CANADA  
MANUFACTURING d/b/a HONDA OF  
CANADA, INC., a foreign corporation;  
HONDA R&D AMERICAS, INC., a foreign  
corporation,

Defendants.

No. 17-cv-01727-RSM

STIPULATED MOTION AND ORDER  
REGARDING ADMISSIBILITY OF  
EVIDENCE AT TRIAL

**I. STIPULATION**

IT IS HEREBY STIPULATED AND AGREED, by Plaintiff and Defendants, that the following are EXCLUDED in evidence, statements, arguments, testimony, documents, references or inferences during any phase of the trial in this matter, including jury selection, opening statements, closing arguments, witness testimony, or at any other time:

A. Statements made during settlement negotiations;

STIPULATED MOTION AND ORDER REGARDING  
ADMISSIBILITY OF EVIDENCE AT TRIAL  
(17-cv-01727-RSM) - 1

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- 1 B. References to discovery disputes;
- 2 C. References to relative financial status of the parties;
- 3 D. Evidence or argument about alleged loss of consortium experienced by Ms.  
4 Foster's grandchildren;
- 5 E. Statements identical or similar to the following:
- 6 1. Product liability law is unfair to manufacturers;
- 7 2. Damage awards could put manufacturer out of business or cause jobs to be  
8 lost;
- 9 3. Damage awards may increase cost of vehicles; and
- 10 4. Anyone can file lawsuit against manufacturer that has no merit if they just  
11 pay court costs
- 12
- 13 F. Opinion testimony from police officers, firemen, EMTs and healthcare providers  
14 on whether Honda was negligent or whether vehicle was defective;
- 15
- 16 G. Opinion testimony from police officers, firemen, EMTs and healthcare providers  
17 on other accidents or injuries with dissimilar vehicles or circumstances;
- 18
- 19 H. Any suggestion by Defendants' lawyers, witnesses, experts or otherwise, that they  
20 are so confident in the alleged safety of the Honda that they drove their vehicles, or their  
21 relatives or employees or anyone associated with the court or case have driven their vehicles.  
22 This does not apply to questions that may be asked of potential jurors during jury selection.
- 23 I. Defendants cannot introduce evidence re: Meike Foster being under the influence  
24 of drugs, or intoxicated or over the legal limit to drive;
- 25
- 26 J. Irrelevant, prejudicial evidence and arguments, such as:
1. Honda's "good acts";

1                   2.       Honda is a “family company”

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

4                   DATED this 3<sup>rd</sup> day of February, 2020.

5                   SCHROETER GOLDMARK & BENDER

6                   KELLER ROHRBACK L.L.P.

7  
8                   By s/ Thomas J. Breen

8                   By s/ David J. Russell

9                   Thomas J. Breen, WSBA #34574

9                   David J. Russell, WSBA #17289

10                  Peter O’Neil, WSBA #28198

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16                  Attorneys for Defendants

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19                  Attorneys for Plaintiff

1 **II. ORDER**

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

4 1. The following are EXCLUDED in evidence, statements, arguments, testimony,  
5 documents, references or inferences during any phase of the trial, including jury selection,  
6 opening statements, closing arguments, witness testimony, or at any other time:

7 A. Statements made during settlement negotiations;

8 B. References to discovery disputes;

9 C. References to financial status of the parties;

10 D. Evidence or argument about alleged loss of consortium experienced by Ms.  
11 Foster's grandchildren;

12 E. Any statement identical or similar to the following:

13 1. Product liability law is unfair to manufacturers;

14 2. Damage awards could put manufacturer out of business or cause jobs to be  
15 lost;

16 3. Damage awards may increase cost of vehicles; and

17 4. Anyone can file lawsuit against manufacturer that has no merit if they just  
18 pay court costs

19 F. Opinion testimony from police officers, firemen, EMTs and healthcare providers  
20 on whether Honda was negligent or whether vehicle was defective;

21 G. Opinion testimony from police officers, firemen, EMTs and healthcare providers  
22 on other accidents or injuries with dissimilar vehicles or circumstances;

1 H. Any suggestion by Defendants' lawyers, witnesses, experts or otherwise, that they  
2 are so confident in the alleged safety of the Honda that they drove their vehicles, or their  
3 relatives or employees or anyone associated with the court or case have driven their vehicles.  
4 This does not apply to questions that may be asked of potential jurors during jury selection.

5 I. Defendants cannot introduce evidence re: Meike Foster being under the influence  
6 of drugs, or intoxicated or over the legal limit to drive;

7 J. Irrelevant, prejudicial evidence and arguments, such as:

- 8 1. Honda's "good acts";  
9 2. Honda is a "family company"  
10  
11

12 DATED this 6<sup>th</sup> day of February 2020.  
13

14 

15 RICARDO S. MARTINEZ  
16 CHIEF UNITED STATES DISTRICT JUDGE  
17

18 Presented by:

19 KELLER ROHRBACK L.L.P.  
20

21 By s/ David J. Russell

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13 *Attorneys for Plaintiff*

14 4827-4428-2803, v. 1