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THE HONORABLE JAMES L. ROBERT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JOHN STEWART

Plaintiff,

v.

PROMETRIC, LLC, a Delaware Corporation,

Defendant.

Case No.: 2:19-CV-01362-JLR

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER ON MOTIONS IN
LIMINE**

**NOTE ON MOTION CALENDAR:
January 29, 2021**

STIPULATION

The parties, by and through counsel, respectfully and jointly move the Court for an in limine order concerning the following evidentiary matters. Counsel for the parties have conferred and agree that an in limine order is appropriate, with reference to the following:

1. Pursuant to the Court’s scheduling order dated October 31, 2019, the parties are to file all motions in limine by January 5, 2021.
2. Pursuant to Local Rule 7(d)(4), the parties held a conference call on January 4, 2021, to resolve which matters are really in dispute before filing their respective motions. The parties reached an agreement on a number of issues.

1 THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT
2 THE FOLLOWING MATTERS SHALL NOT BE ENTERED INTO EVIDENCE:

- 3 1. Plaintiff's Post-Termination Communications with the Washington State
4 Department of Health.
- 5 2. Plaintiff's Notice of 30(b)(6) Deposition and the Objections and Responses
6 Thereto.
- 7 3. The parties are precluded from offering two separate drafts of Defendant's final
8 warning to Plaintiff as a single exhibit.
- 9 4. Any Reference to Plaintiff Suffering Loss of Wages or Benefits.
- 10 5. Any Reference to Plaintiff Suffering Physical Injury Arising Out of Emotional
11 Distress, and Any Healthcare Provider Testimony.
- 12 6. Prometric Manuals and Policies that were not in effect during Plaintiff's
13 Employment.
- 14 7. Any hearsay statements, to which no exception applies, that Plaintiff was given a
15 verbal warning or discipline for writing his own test instructions.
- 16 8. Any reference to Plaintiff's post-termination employment with employers other
17 than Prometric, with the exception that the start date for Plaintiff's employment
18 with SEIU may be admitted to determine the approximate end date for Stewart's
19 emotional distress damages.
- 20 9. Any hearsay statements, to which no exceptions apply, related to Plaintiff's
21 alleged refusal to return to work after his suspension.
- 22 10. Any reference to the determination of the Washington Employment Security
23 Department regarding Stewart's unemployment benefits.

- 1 11. Any reference to a specific reason for Corwin Sample’s termination, but
2 testimony may be elicited that Sample was terminated for misconduct.
- 3 12. Other than the Plaintiff and a corporate representative for Defendant, all witnesses
4 will be sequestered from watching the trial proceedings through any virtual
5 platform.
- 6 13. Witnesses will not be allowed to comment on another witness’s deposition
7 testimony, unless that testimony is presented verbatim from the deposition
8 transcript.
- 9 14. Witnesses will not be allowed to comment on the veracity of another witness’s
10 testimony.

11 SO STIPULATED this 5th day of January, 2021

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ORDER

Each party shall instruct its witnesses as to the Court's ruling on this stipulated motion in limine.

IT IS SO ORDERED.

DATED this 6th day of January, 2021.



JAMES L. ROBART
United States District Judge

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