

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

*****AMENDED*****
CIVIL MINUTES -- GENERAL

Case No. **CV 10-9497-MWF(MANx)**

Dated: **April 19, 2013**

Title: **Kandace Simplis, et al. -v- Culver City Police Department, et al.**

PRESENT: HONORABLE MICHAEL W. FITZGERALD, UNITED STATES DISTRICT JUDGE

Rita Sanchez
Courtroom Deputy

Rosalyn Adams
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

Douglas D. Winter
Matthew S. McNicholas
Dale K. Galipo

Jill Williams

**PROCEEDINGS: TELEPHONIC STATUS CONFERENCE;
MOTIONS IN LIMINE [112], [115], [116]**

The Court held a telephonic conference to discuss Defendants' Motions in Limine Nos. 1, 4(c), and 5. (*See* Docket No. 201).

Defendants' Motions in Limine

(1) To exclude photographs of the body of the decedent taken following the shooting - including coroner's photographs: DENIED.

For the reasons discussed during the telephonic conference, Plaintiffs will be permitted to introduce one, appropriately cropped photograph. This photograph will not include the face of the decedent.

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(4) To exclude items discovered after the shooting of the decedent, including: . . . (c) the fact that an unloaded small caliber gun was found in the decedent's shoe when he was being treated at the hospital immediately after the shooting; and (5) To exclude evidence, testimony or argument concerning opinions from any witness, including Jenna Daddario, as to whether Culver City Police Department Officer Derek Brown "planted" a gun in the decedent's shoe: GRANTED.

For the reasons discussed during the telephonic conference, this evidence will be excluded under Federal Rule of Evidence 403. The probative value of this evidence is substantially outweighed by the unfair prejudice to Officer Martinez and the City, as well as the confusion of the issues and the waste of time for the jury. Plaintiffs have offered no evidence of a "grand scheme," conspiracy, or any other connection between Officer Brown's alleged planting of the gun and Officer's Martinez's use of force. Any such connection would be speculative.

IT IS SO ORDERED.