

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Case No. 04-0726-CV-DW
and)	
)	
CINDY JOHNSTON,)	
)	
Plaintiff/Intervenor,)	
)	
v.)	
)	
GARDEN CITY PLASTICS EQUIPMENT)	
AND SUPPLY CO., INC., and)	
PLASTIC PACKAGING CONCEPTS, INC.,)	
)	
Defendants.)	
)	

ORDER

Before the Court is Defendants' joint motion in limine. The Court has carefully considered the briefing, and hereby rules as follows:

- (1) As to evidence of the Mike Kime rape charge and investigation, the motion to exclude is GRANTED, at least to the extent that evidence might be used for impeachment. However, evidence that Kime bragged to Cindy Johnston that he had raped a woman is clearly relevant and admissible.
- (2) As to evidence of retaliation put on by Plaintiff EEOC, the motion to exclude is DENIED. The parties should be prepared to discuss at trial whether Johnston as an individual has a retaliation claim.
- (3) As to evidence of pornography in a Bible, the motion to exclude is DENIED.

- (4) As to evidence about horseplay in the workplace, the motion to exclude is DENIED.
- (5) As to evidence of non-disclosed emotional damages, the motion to exclude is DENIED.
- (6) As to evidence of the EEOC determination or investigation, the motion to exclude is GRANTED.
- (7) As to evidence of the EEOC rarely filing suit, the motion to exclude is GRANTED.
- (8) As to evidence of communication between counsel—specifically Plaintiffs’ exhibits 3-6—the motion to exclude is DENIED AS MOOT.
- (9) As to evidence by employees of Defendants concerning ownership, corporate structure, and operation procedures, the motion to exclude is GRANTED IN PART. Plaintiffs are entitled to elicit testimony from employees about their observations of the operation of the businesses to establish that Defendants operated as a single employee.

SO ORDERED.

Date: August 7, 2006

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge