

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARIA SALINAS,	§	
Plaintiff,	§	
	§	
	§	
v.	§	
	§	Civil Action No. SA-06-CA-0729XR
	§	
CITY OF NEW BRAUNFELS,	§	
	§	
Defendant.	§	

ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE

Before the Court is Plaintiff's Motion in Limine filed March 17, 2008. The Court finds that the motion has merit and should be granted.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion in Limine is GRANTED. The Court specifically orders that parties, counsel for the parties, and, through counsel, any and all witnesses are instructed to refrain from asking about or mentioning, directly or indirectly, any of the following matters:

- A. Reference to methadone or other drugs found with Edwin Spencer. All exhibits on which the names of his medications appear will be redacted, and the jury specifically instructed not to concern itself with the decision of the Court to redact this personal information.
- B. Any testimony by any defense expert witnesses, since none were identified.
- C. Any reference or suggestion that Defendant has employed or attempted to employ individuals with disabilities, or that it generally treats people with disabilities in a fair manner.

- D. Reference to alleged tattoos of Edwin Spencer.
- E. Any reference that Salinas is or has been involved in any grievance, claim or lawsuit or has settled any claim which lawsuit or claim was unrelated to the subject of the present action.
- F. Any and all references to alleged prior arrests, detention, or prior interaction with law enforcement officers.
- G. References to any prior relationships Maria Salinas may have had with men other than Mr. Spencer.
- H. Any reference or stating to the jury that Salinas was cohabiting with or was involved in a sexual relationship with Mr. Spencer
- I. Any reference to herpes or any sexually transmitted disease. It is specifically ordered that the Defendant not refer to any “diagnosis” or “medical information received” by Ms. Salinas.
- J. The undue burden or fundamental alteration defenses or any evidence that providing a sign language interpreter would have been costly, expensive, inconvenient, or administratively burdensome.
- K. Maria Salinas’ application or attempted application to receive social security or other governmental benefit.
- L. Maria Salinas’ application for or receipt of unemployment benefits.
- M. The use of video relay services or video phone as a means by which Maria Salinas could have communicated with Defendant.
- N. Any reference to any of Salinas’s personal habits such as smoking, drinking, or swearing in an effort to impugn her character.

- O. That this Motion in Limine has been filed or any ruling by the Court in response to this Motion in Limine, suggesting or inferring to the jury that Salinas has moved to prohibit certain matters from being heard by the jurors, or that the Court has excluded certain matters from the hearing of the jury.
- P. Any reading or reference to comments or statements of attorneys, other than questions to witnesses, contained in any deposition taken in this case.
- Q. Any mention or reference that a recovery by Salinas may not be subject to federal income taxation.
- R. Any mention that Salinas has retained his attorneys on a contingency fee basis.
- S. Any mention of or reference to any witness who was equally available to either party, was not called as a witness, or to what would have been the testimony of any witness who was not actually called to testify.
- T. Any reference to when, or how Salinas obtained legal counsel.
- U. Any reference to the financial arrangements with, or the financial strength of, Salinas's counsel.
- V. Any reference or suggestion that Salinas, by this suit, seeks "preferential treatment" in that the duties imposed on Defendant are duties imposed by law.

It is so ORDERED.

Signed this _____ day of _____, 2008.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE