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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – HALL OF JUSTICE

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| 10 | CHRISTOPHER WILLIAMS, |) | CASE NO. 37-2018-00023369-CU-PO-CTL |
| 11 | Plaintiff, |) | PLAINTIFF CHRISTOPHER WILLIAMS'S OPPOSITION TO DEFENDANTS' MOTION <i>IN LIMINE</i>, 4 OF 23 |
| 12 | vs. |) | |
| 13 | DAVID ARAMBULA; CITY OF LEMON |) | Action Filed: March 01, 2017 |
| 14 | GROVE; and DOES 1 through 1,000, |) | Department: C-68 (Whitney) |
| 15 | Defendants. |) | Trial Date: August 5, 2022 |
| | | | Trial Time: 8:30 a.m |

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17 Plaintiff Christopher Williams ("Plaintiff") respectfully submits this brief in opposition to Defendant
18 David Arambula ("Arambula") and City of Lemon Grove ("City") (collectively, "Defendants")'s Motion *In*
19 *Limine* No. 4 to preclude non-party witness Dorinna Hirsch ("Hirsch") from testifying at trial or otherwise
20 using her deposition transcript as testimonial evidence or demonstrative evidence. Defendants provide the
21 following reasons for the request: (i) Hirsch has no personal knowledge of any matters at issue in the litigation;
22 (ii) Hirsch's deposition shows her testimony was, and will be, irrelevant, unfounded, unduly prejudicial, and
23 will be improper character evidence, and (iii) her trial or deposition testimony would result in an undue
24 consumption of time that would confuse and mislead the jury. For the reasons below, the motion *in limine*
25 should be denied.

26 First, Hirsch's deposition testimony is relevant to this case. All relevant evidence is admissible except
27 as otherwise provided by statute. EVID. CODE § 351. For evidence to be relevant, it must have "any tendency
28 in reason to provide or disprove any disputed fact that is of consequence to the determination of the action".

1 EVID. CODE § 210. Hirsch and Arambula were former classmates and later Arambula worked for Hirsch.
2 She is able to offer her personal opinion as to Arambula’s credibility, behavior and habits.

3 Second, not only is Hirsch’s deposition testimony relevant, but it is not improper character evidence.
4 Character evidence is inadmissible when offered to prove one’s conduct on a specified occasion. *See* EVID.
5 CODE § 1101(a). However, character evidence is often admissible when used to prove some fact- such as
6 motive, opportunity, intent, preparation, plan, knowledge identity and absence of mistake or accident- other
7 than his disposition to commit such an act. *See* EVID. CODE § 1101(b). For instance, in *Andrews v. City &*
8 *County of San Francisco*, 205 Cal. App. 3d 938, 945 (1988), evidence showing that a police officer bullied
9 and assaulted other arrestees without provocation was admissible—not to prove the officer’s propensity to
10 violence—but to show intent and absence of mistake or accident. Here, intent is a central issue to the case
11 because Plaintiff claims that Arambula intentionally attacked him while Arambula claims that he was trying to
12 defend himself. Moreover, Evidence Code section 1101(a) does not affect the admissibility of evidence
13 offered to support or attack the credibility of a witness. *See* EVID. CODE § 1101(c). Outside of character
14 evidence, evidence of an individual’s habit or custom is admissible evidence to “to prove conduct on a
15 specified occasion in conformity with the habit or custom.” EVID. CODE § 1105. Custom or habit involves a
16 consistent, semi-automatic response to a repeated situation. *Bowen v. Ryan*, 163 Cal. App. 4th 916, 926
17 (2008).

18 Because Hirsch has personal knowledge of Arambula, testimony of her experiences with him can aide
19 in determining Arambula’s intent and this evidence can aide in determining Arambula’s credibility. Hirsch can
20 also provide pertinent testimony as to his habits and/or customs to show whether any of his conduct or actions
21 on the night of Plaintiff’s attack was in conformity with said habits and/or customs.

22 Plaintiff has not included Hirsch on his witness list, but is entitled to use her deposition testimony at trial
23 in lieu of live testimony, for the foregoing reasons. Doing so will not result in an undue consumption of time
24 that could confuse or mislead the jury, but would rather aide in providing testimony as to Arambula’s intent,
25 credibility, customs, and habits.

26 For these reasons, motion *in limine* no. 4 to exclude the testimony of Dorinna Hirsch at trial should
27 be denied.

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Date: August 3, 2022

Respectfully submitted,
BRIGGS LAW CORPORATION

By: Nora Pasin

Nora Pasin
Cory J. Briggs
Attorneys for Plaintiff Christopher Williams

PROOF OF SERVICE

1. My name is Keri Taylor. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111 Upland, CA 91786

3. On August 3, 2022, I served an original copy a true and correct copy of the following documents: Plaintiff Christopher Williams's Opposition to Defendants' Motion in Limine

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:
 by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of Upland, California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of the State of California that the foregoing is true and correct.

Date: August 3, 2022

Signature: 

SERVICE LIST

Christopher Williams vs. Lemon Grove
Superior Court of the State of California Case No. 37-2018-00023369-CU-PO-CTL

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