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

10	CHRISTOPHER WILLIAMS,)	CASE NO. 37-2018-00023369-CU-PO-CTL
11	Plaintiff,)	PLAINTIFF CHRISTOPHER WILLIAMS'S
12	vs.)	OPPOSITION TO DEFENDANTS'
13	DAVID ARAMBULA; CITY OF LEMON)	MOTION <i>IN LIMINE</i>, 5 OF 23
14	GROVE; and DOES 1 through 1,000,)	Action Filed: March 01, 2017
15	Defendants.)	Department: C-68 (Whitney)
)	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. 5 to preclude evidence and mention of Dorinna Hirsch ("Hirsch")'s temporary restraining order
20 case ("TRO") against David Arambula. Defendants request that the evidence be precluded on the basis that
21 the TRO case is not relevant to the claims in the above-captioned lawsuit, evidence of this case cannot be used
22 to prove Arambula committed assault or battery against Plaintiff, and such evidence should be excluded under
23 Evidence Code section 352. The motion should be denied.

24 All relevant evidence is admissible except as otherwise provided by statute. EVID. CODE § 351. For
25 evidence to be relevant, it must have "any tendency in reason to provide or disprove any disputed fact that is
26 of consequence to the determination of the action". EVID. CODE § 210. As explained in Plaintiff's opposition
27 to Arambula's Motion *In Limine* No. 4, Hirsch is a former classmate and former employer of Arambula and
28 through her experience with him, she has personal knowledge of Arambula's behavior and credibility.

1 Importantly, evidence of Hirsch’s TRO can be used to prove some fact other than Arambula’s
2 propensity to commit assault or battery. Certain character evidence is often admissible when used to prove
3 something other than a person’s conduct on a specified occasion- such as motive, opportunity, intent,
4 preparation, plan, knowledge identity and absence of mistake or accident. See EVID. CODE § 1101(b). For
5 instance, in *Andrews v. City & County of San Francisco*, 205 Cal. App. 3d 938, 945 (1988), evidence
6 showing that a police officer bullied and assaulted other arrestees without provocation was admissible—not
7 to prove the officer's propensity to violence—but to show intent and absence of mistake or accident. Here,
8 intent is a central issue to the case because Plaintiff claims that Arambula intentionally attacked him while
9 Arambula claims that he was trying to defend himself. Evidence of Hirsch’s TRO can be used to show intent
10 and absence of mistake or accident.

11 Additionally, because she has known Arambula for several years and has worked with him, she is a
12 witness to his habits and customs. An individual’s habit or custom is admissible evidence to “to prove conduct
13 on a specified occasion in conformity with the habit or custom.” EVID. CODE § 1105. Hirsch’s TRO evidence
14 aides in showing Arambula’s habits and customs that she testified to through the course of her deposition and
15 the habits that led her to requesting the TRO. These habits and customs are relevant to Plaintiff’s lawsuit
16 because it shows Arambula’s customs and habits in the course of his business and employment endeavors.

17 Lastly, evidence of Hirsch’s TRO should not be excluded under Evidence Code section 352 because
18 its probative value is must higher than any possibility that the evidence will confuse or mislead the jury, evoke
19 an emotional bias, or inflame the jury’s passions. Defendants’ noted in their motion that the TRO was
20 automatically granted and then was eventually dissolved. The facts surrounding Hirsch’s evidence are benign
21 and do not create a bias toward Arambula and it is unlikely that this would inflame the jury’s passions. The
22 facts are simple, concise and straight forward.

23 For these reasons, motion *in limine* no. 5 to exclude evidence and mention of Dorinna Hirsch’s
24 temporary restraining order case at trial should be denied.

25 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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