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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**08/03/2022** at 03:49:00 PM

Clerk of the Superior Court  
By E- Filing, Deputy Clerk

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

10	CHRISTOPHER WILLIAMS,	)	CASE NO. 37-2018-00023369-CU-PO-CTL
11	Plaintiff,	)	
12	vs.	)	<b>PLAINTIFF CHRISTOPHER WILLIAMS'S</b>
13	DAVID ARAMBULA; CITY OF LEMON	)	<b>OPPOSITION TO DEFENDANTS'</b>
14	GROVE; and DOES 1 through 1,000,	)	<b>MOTION <i>IN LIMINE</i>, 7 OF 23</b>
15	Defendants.	)	Action Filed: March 01, 2017
		)	Department: C-68 (Whitney)
		)	Trial Date: August 5, 2022
		)	Trial Time: 8:30 a.m

16  
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. 7 to preclude photographic and demonstrative evidence depicting the tops of Plaintiff's hands.

20 Plaintiff's partner, Kathleen McClean, testified at the time of her deposition that she photographed  
21 Plaintiff using her cell phone on the morning after he was attacked by Arambula. Ms. McClean produced the  
22 photographs at her deposition and testified as to when and how she took these photographs. At issue in  
23 Defendants' motion is specifically, two photographs that she took of the tops of Plaintiff's hands. Defendants  
24 requests this evidence be excluded at trial because the photographs have not been authenticated and are  
25 otherwise unduly prejudicial. His contentions fail and the motion should be denied.

26 First, the motion should be denied because the photographs are relevant to Plaintiff's claims in his  
27 lawsuit. All relevant evidence is admissible except as otherwise provided by statute. EVID. CODE § 351. For  
28 evidence to be relevant, it must have "any tendency in reason to provide or disprove any disputed fact that is

1 of consequence to the determination of the action". EVID. CODE § 210. Plaintiff's lawsuit is based on the  
2 assault and battery that Arambula committed against him on the night of July 14, 2017. The photographs taken  
3 by Ms. McClean show the visible physical state Plaintiff was in after Arambula's attack- including the state  
4 of his hands. The photographs are directly relevant to Plaintiff's claims as to how Arambula attacked him and  
5 whether or not he engaged in the attack. Precluding the evidence would be unfairly prejudice Plaintiff by  
6 preventing him from proving his asserted claims. This is not an undue consumption of time and does not  
7 confuse or mislead the jury in any way.

8 Second, the motion should be denied because Ms. McClean can, and has, authenticated the  
9 photographs she captured. See Decl. Pasin, ¶1-2, Exs.1-2. Photographs are considered "writings". EVID.  
10 CODE § 250. "Authentication of a writing means (a) the introduction of evidence sufficient to sustain a finding  
11 that it is the writing that the proponent of the evidence claims it is or (b) the establishment of such facts by any  
12 other means provided by law." EVID. CODE § 1400. "A writing may be authenticated by anyone who saw  
13 the writing made or executed." EVID. CODE § 1413. Because Ms. McClean captured these images, she is  
14 the best witness to authenticate the images, confirm the time and manner in which she took the photographs,  
15 and can lay their foundation by showing that the images accurately represent an image of Plaintiff at the time  
16 she took the photographs.

17 Defendants' motion suggests that because the photographs she captured were in-color, but printed  
18 in black-and-white ink when produced at Ms. McClean's deposition, the images are unreliable and cannot  
19 be properly authenticated. However, Defendants provide no showing that the photographs are not what Ms.  
20 McClean claims them to be. "A printed representation of images stored on a video or digital medium is  
21 presumed to be an accurate representation of the images it purports to represent." EVID. CODE § 1553.  
22 Arambula goes on to suggest that because the photographs do not contain meta-data, they may not be reliable.  
23 "The fact that it is possible to alter data contained in a computer is plainly insufficient to establish  
24 untrustworthiness." *U.S. v. Bonallo*, 858 F.2d 1427, 1436 (9th Cir. 1988). Because there is nothing to  
25 actually suggest or indicate that the photographs are not accurate representations or are untrustworthy in any  
26 way, the evidence should not be precluded.

27 Lastly, the photographs are not unduly prejudicial. The court in its discretion may exclude evidence  
28 if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue  
consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of

1 misleading the jury. EVID. CODE § 352. Photographs of Plaintiff's hands after he was attacked by Arambula  
2 do not create substantial danger of undue prejudice, do not confuse the issues, and do not mislead the jury.  
3 The photographs only aide to provide as much relevant information as possible to the jury as to what happened  
4 the night of the attack. Even if this Court finds otherwise, when balancing whether the value of the  
5 photographic evidence of the aftermath of the attack, including the state of Plaintiff's hands, against the risk  
6 that it will have an undesired outcome listed in Section 352, the probative value of the photographs greatly  
7 outweighs any possible risk.

8 For these reasons, motion *in limine* no. 7 to preclude photographic and demonstrative evidence  
9 depicting the tops of Plaintiff's hands at trial should be denied.

10  
11 Date: August 3, 2022

Respectfully submitted,

BRIGGS LAW CORPORATION

12  
13 By: \_\_\_\_\_

*Nora Pasin*

14 Nora Pasin  
15 Cory J. Briggs  
16 Attorneys for Plaintiff Christopher Williams  
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# EXHIBIT 1

1 documents, including photographs and correspondence,  
2 that pertain to the alleged altercation that occurred on  
3 or about July 14, 2017 between plaintiff, Christopher  
4 Williams and defendant, David Arambula.

5 What items did you look for that would be  
6 responsive to that category?

7 A Pictures.

8 Q And you brought a series of photographs today.  
9 I didn't count how many there were.

10 MR. BRIGGS: I think there's 21, if memory  
11 serves me.

12 BY MS. WILLIAMS:

13 Q Okay. So you located the photographs that you  
14 brought today; is that right?

15 A Yes.

16 Q Okay. How did you take these photographs?

17 A On my cell phone.

18 Q On your cell phone.

19 When you took them were they black and white  
20 or were they in color?

21 A They were in color.

22 Q Okay. And just for the record, what you've  
23 produced today is black and white, correct?

24 A Yes.

25 Q Okay. Do you still have the electronic files

1 Q When was it taken?

2 A The next morning between -- around -- between  
3 8:00 and 9 o'clock in the morning.

4 Q What was the purpose of taking this  
5 photograph?

6 A To show the after -- the after of -- like,  
7 what -- after he got it cleaned up.

8 Q To show the cleaned up condition of his face?

9 A Yes.

10 MS. WILLIAMS: Okay. I'm going to mark the  
11 next photograph as B-20.

12 (Exhibit B-20 was marked.)

13 BY MS. WILLIAMS:

14 Q Where was this picture taken?

15 A It was taken in our bed at our home.

16 Q When was it taken?

17 A The same time, between 8:00 and 9:00 a.m.

18 Q On July 15?

19 A On July 15.

20 Q And what are you trying to depict here?

21 A Um, he doesn't have any bruising or any broken  
22 knuckles and nothing wrong with his hands.

23 MS. WILLIAMS: I'll mark the next photograph,  
24 B-21.

25 (Exhibit B-21 was marked.)

1 BY MS. WILLIAMS:

2 Q Was this also taken at home the next morning?

3 A Yes.

4 Q Same time frame?

5 A Yes.

6 Q What were you trying to depict here?

7 A He never threw a punch, never hit anything  
8 with his hands.

9 Q Okay. So your conclusion is that he didn't  
10 hit anything with his hands. And you were documenting  
11 his -- the condition?

12 A Yes.

13 Q Did you take any other photographs pertaining  
14 to Mr. Williams' physical condition?

15 A No.

16 Q Have you provided these photographs to anyone  
17 other than your attorney and us here today?

18 A Um, I showed my parents.

19 Q Anyone else?

20 A Um, I gave this one.

21 MR. BRIGGS: Look at her numbers so that we  
22 can identify it.

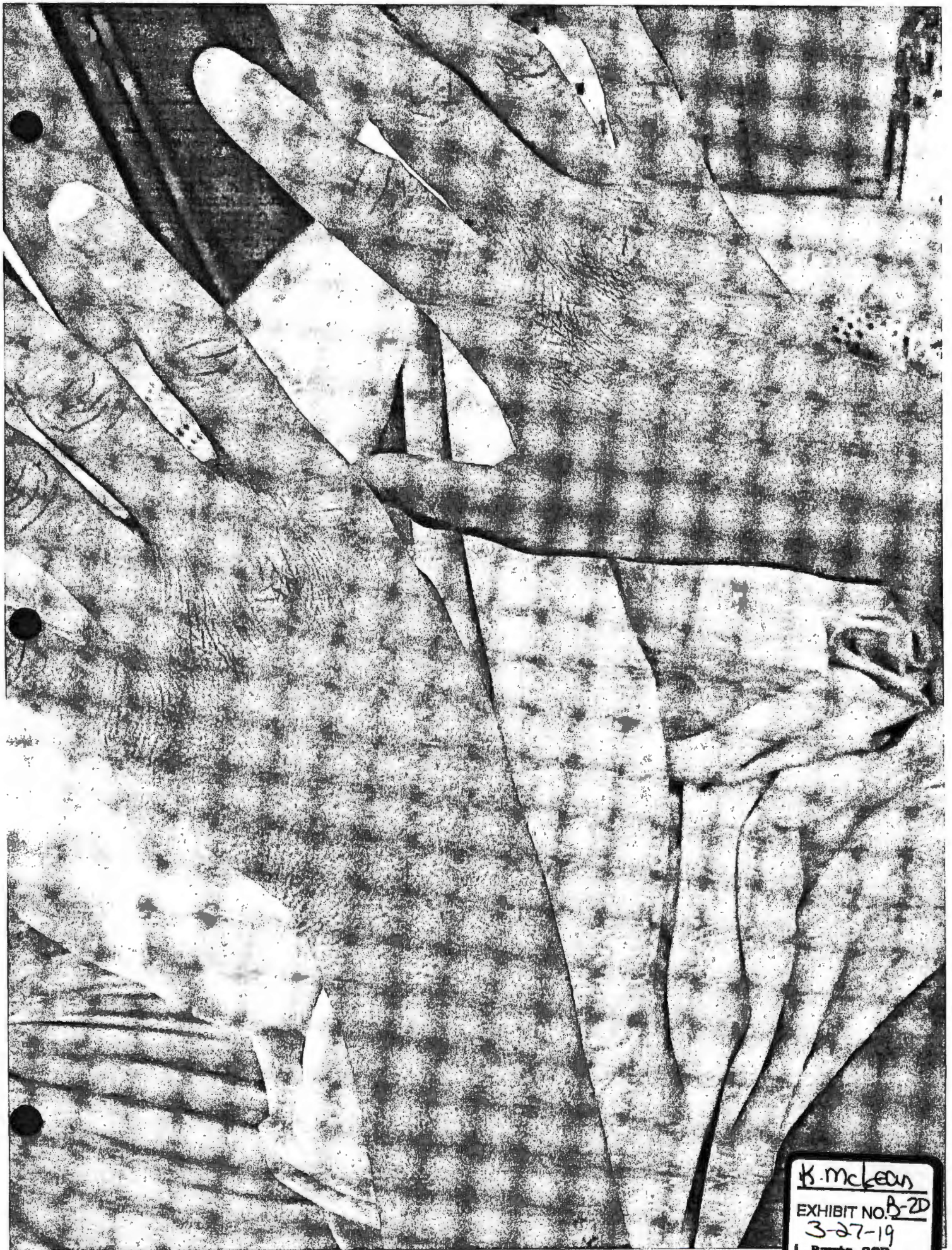
23 THE WITNESS: Oh, I apologize.

24 This one --

25



## EXHIBIT 2



K. McKeon  
EXHIBIT NO. B-2D  
3-27-19  
L. Barrón, CSR



K. McLean  
EXHIBIT NO. B-21  
3-27-19  
L. Barron, CSR

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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