

ORIGINAL

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FILED
Clerk of the Superior Court

DEC -6 2019

5 Attorneys for Defendant DAVID ARAMBULA

By: R. Cersosimo, Clerk

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

11 CHRISTOPHER WILLIAMS,

12 Plaintiff,

13 v.

14
15 DAVID ARAMBULA; CITY OF LEMON
GROVE; and DOES 1 through 1,000,

16 Defendants.
17

Case No. 37-2018-00023369-CU-PO-CTL
[Complaint Filed: May 11, 2018]

Judge: Hon. Richard S. Whitney
Dept: C-68

**DEFENDANTS' MOTION IN LIMINE TO
PRECLUDE PLAINTIFF'S CHILDREN
FROM TESTIFYING AT TRIAL;
DECLARATION OF EMILY M. STRAUB**

[Defense MIL No. 8 of 22]

Trial Date: December 13, 2019

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22 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

23 PLEASE TAKE NOTICE that Defendant David Arambula hereby moves the Court, on
24 behalf of the defense, for an order precluding all parties from calling Plaintiff Christopher Williams'
25 children to testify at trial.

26 This motion is based on the supporting memorandum of points and authorities, the
27 declaration of Emily M. Straub and exhibits thereto, the pleadings and papers on file in this action,
28 and upon such argument and evidence as may be presented prior to or at the hearing of this matter.

FILED

1 **I. INTRODUCTION**

2 Counsel for all parties previously stipulated their respective clients would not call either of
3 Mr. Williams' two daughters to testify at trial. This motion simply requests an order enforcing the
4 terms of the stipulation.

5 **II. AUTHORITY FOR MOTION**

6 A motion *in limine* is the appropriate method "to preclude the presentation of evidence
7 deemed inadmissible and prejudicial by the moving party." (*Blanks v. Seyfarth Shaw, LLP* (2009)
8 171 Cal.App.4th 336, 375.) The important purpose served by such motion is "to avoid the
9 obviously futile attempt to "unring the bell" in the event a motion to strike is granted in the
10 proceedings before the jury." (*Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325, 337.)

11 **III. THE MOTION SHOULD BE GRANTED BECAUSE ALL PARTIES AGREE TO**
12 **PRECLUDE THE SUBJECT TRIAL TESTIMONY**

13 Pursuant to a stipulation of July 1, 2019, entered into counsel for Mr. Arambula, Mr.
14 Williams, and the City of Lemon Grove, counsel agree their clients will refrain from calling either
15 of Mr. Williams' daughters to testify at trial. (*See* Declaration of Emily M. Straub at Exhibit 1 - July
16 1, 2019 Stipulation.) Good cause therefore exists for the Court to prevent such testimony from taking
17 place.

18 **IV. CONCLUSION**

19 For all of the foregoing reasons, Mr. Arambula respectfully requests the Court grant this
20 motion and issue and order precluding all parties from calling Mr. Williams' two daughters to testify
21 at trial.

22 Dated: December 5, 2019

TYSON & MENDES

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25 By: _____

Jessica G. Heppenstall, Esq.
Emily M. Straub, Esq.

Attorneys for Defendant DAVID ARAMBULA

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DECLARATION OF EMILY M. STRAUB

I, Emily M. Straub, Esq., declare as follows:

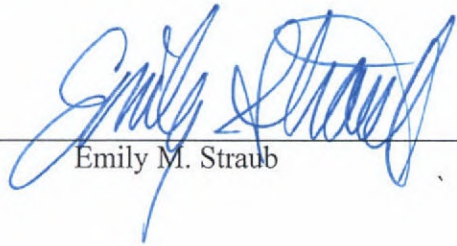
1. I am an attorney at law duly licensed to practice in all courts of the State of California.

2. I am a counsel of record for Defendants David Arambula, and offer this declaration in support of the corresponding motion *in limine*.

3. The following facts are based on my own personal knowledge, and if called upon, I could and would testify competently thereto.

4. Attached hereto as Exhibit "1" is a true and correct copy of All Parties' Stipulation Re: Plaintiff's Children, dated July 1, 2019.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed this 5th day of December, 2019, at La Jolla, California.



Emily M. Straub

EXHIBIT 1

1 Susan L. Oliver, Esq. (Bar No. 160902)
Emily M. Straub, Esq. (Bar No. 259141)
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5661 La Jolla Boulevard
3 La Jolla, CA 92037
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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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10 CHRISTOPHER WILLIAMS,

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GROVE; and DOES 1 through 1,000,

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Case No. 37-2018-00023369-CU-PO-CTL
[Complaint Filed: May 11, 2018]

Judge: Hon. Richard S. Whitney
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**ALL PARTIES' STIPULATION RE:
PLAINTIFF'S CHILDREN**

Trial Date: December 13, 2019
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20 The parties, through their counsel of record, hereby stipulate as follows:

21 1. Defendant David Arambula will not seek the names of Mr. Williams' children during Mr.
22 Williams' further volume of deposition herein, or otherwise call Mr. Williams' children to testify
23 during trial;

24 2. Defendant City of Lemon Grove will not seek the names of Mr. Williams' children during
25 Mr. Williams' further volume of deposition herein, or otherwise call Mr. Williams' children to
26 testify during trial; and

27 3. Plaintiff Christopher Williams will not call his children to testify during trial.

28 IT IS SO STIPULATED.

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Dated: July __, 2019

BRIGGS LAW CORPORATION

By: _____

Cory J. Briggs
Anthony N. Kim
Attorneys for Plaintiff CHRISTOPHER WILLIAMS

Dated: July 1, 2019

HORTON, OBERRECHT, KIRKPATRICK & MARTHA

By: _____

Kimberly S. Oberrecht
Nathaniel J. Michels
Attorneys for Defendant CITY OF LEMON GROVE

Dated: July 1, 2019

TYSON & MENDES LLP

By: _____

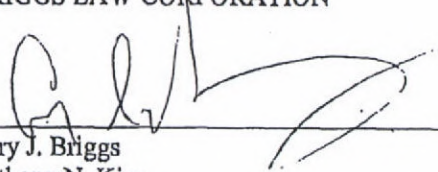
Susan L. Oliver
Emily M. Straub
Attorneys for Defendant DAVID ARAMBULA

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Dated: July 1, 2019

BRIGGS LAW CORPORATION

By: _____


Cory J. Briggs
Anthony N. Kim
Attorneys for Plaintiff CHRISTOPHER WILLIAMS

Dated: July __, 2019

HORTON, OBERRECHT, KIRKPATRICK & MARTHA

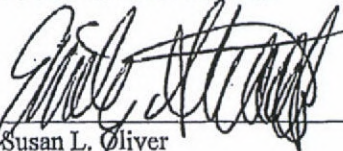
By: _____

Kimberly S. Oberrecht
Nathaniel J. Michels
Attorneys for Defendant CITY OF LEMON GROVE

Dated: July 1, 2019

TYSON & MENDES LLP

By: _____


Susan L. Oliver
Emily M. Straub
Attorneys for Defendant DAVID ARAMBULA