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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,)	PLAINTIFF CHRISTOPHER WILLIAMS'S
12	vs.)	OPPOSITION TO DEFENDANTS'
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

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. 6 to preclude photographic evidence depicting Plaintiff's injuries after he was attacked by
20 Arambula, as well as demonstrative evidence utilizing those photographs.

21 Defendants claim that the photographs are misleading because they do not depict a permanent or
22 ongoing physical condition and the minimal probative value of the photographs is largely outweighed by the
23 risk of prejudice to the defendants. The assertions are preposterous and 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. Plaintiff's lawsuit is based on the
27 assault and battery that Arambula committed against him on the night of on July 14, 2017. The photographs
28 taken by his partner Kathleen McClean and the photographs taken by the City of Lemon Grove Sheriff's

1 Department show the visible physical state Plaintiff was in after the attack and are crucial to his claims. The
2 photographs are directly relevant to Plaintiff's claims as to how Arambula attacked him and the extent to which
3 Arambula attacked him. Precluding the evidence would be severely prejudicial against Plaintiff's in proving
4 his claims. This is not an undue consumption of time and does not confuse or mislead the jury in any way.

5 "The admission of photographs lies within the broad discretion of the trial court under Evidence Code
6 section 352 when a claim is made that they are unduly inflammatory. The court's exercise of its discretion will
7 not be disturbed on appeal unless the probative value of the photographs is clearly outweighed by their
8 prejudicial effect." *People v. Howard*, 42 Cal.4th 1000, 1023 (2008)(internal citation omitted). The court
9 in its discretion may exclude evidence if its probative value is substantially outweighed by the probability that
10 its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue
11 prejudice, of confusing the issues, or of misleading the jury. EVID. CODE § 352. When balancing whether the
12 value of the photographic evidence of the result of the attack against the risk that it will have an undesired
13 outcome listed in Section 352, the probative value of the photographs greatly outweighs the minimal risk. The
14 photographs of Plaintiff's are not so horrific as to inflame the jury. Plaintiff's was the victim of an assault and
15 battery- he was not, for example, victim to an arson or victim to the discharge of a weapon- meaning, his
16 photographs would not be considered horrific to the average person. The importance of showing the
17 photographs greatly outweighs any concern that they may evoke an emotional basis or inflame the jury under
18 Evidence Code 352.

19 For these reasons, motion *in limine* no. 6 to exclude photographic evidence of Plaintiff's injuries at
20 trial should be denied.

21
22 Date: August 3, 2022

23 Respectfully submitted,
24 BRIGGS LAW CORPORATION
25 By: Nora Pasin
26 Nora Pasin
27 Cory J. Briggs
28 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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