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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

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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. 9 to preclude Plaintiff and his counsel of record from introducing evidence and argument based
20 on the "Reptile Theory" at any time during trial and during questioning of prospective jurors during *voir dire*.

21 Essentially, through this motion *in limine*, Defendants attempt to baselessly limit Plaintiff's Counsel's
22 ability to effectively advocate for Plaintiff during trial and jury selection. This vague and sweeping attempt to
23 silence Plaintiff's counsel when trying his client's case to the jury should be denied.

24 A motion *in limine* is used to preclude prejudicial or objectionable evidence before it is presented to
25 the jury. *See Blanks v. Shaw*, 171 Cal. App. 4th 336, 375 (2009). "In limine motions are designed to
26 facilitate the management of a case, generally by deciding difficult evidentiary issues in advance of trial. The
27 usual purpose of motions in limine is to preclude the presentation of evidence deemed inadmissible and
28 prejudicial by the moving party. A typical order in limine excludes the challenged evidence and directs counsel,

1 parties, and witnesses not to refer to the excluded matters during trial.” *Id.* (internal citation omitted). Matters
2 that are lacking in factual support or argument are not properly the subject of motions *in limine*. See *Kelly*
3 *v. New West Federal Savings*, 49 Cal. App. 4th 659, 670 (1996). When ruling on a motion *in limine*, the
4 Court should not have to rule in a vacuum or guess at what evidence should be included within the scope of
5 its ruling. *Id.* Motions *in limine* may be inappropriate where it is difficult to specify exactly what evidence is
6 the subject of the motion. “[U]ntil the evidence is actually offered, and the court is aware of its relevance in
7 context, its probative value, and its potential for prejudice, matters related to the state of the evidence at the
8 time the objection is made, the court cannot intelligently rule on its admissibility.” *People v. Jennings*, 46 Cal.
9 3d 963, 975 (1988).

10 A plaintiff’s counsel must be given wide latitude to discuss the merits of a case, both as to the law and
11 facts. “Only the most persuasive reasons justify handcuffing attorneys in the exercise of their advocacy...”
12 *Cassim v. Allstate Ins Co.*, 33 Cal. 4th 780, 795 (2004) (internal citation omitted). “Orders which restrict
13 or preclude a citizen from speaking in advance are known as ‘prior restraints,’ and are disfavored and
14 presumptively invalid. Gag orders on trial participants are unconstitutional unless (1) the speech sought to be
15 restrained poses a clear and present danger or serious and imminent threat to a protected competing interest;
16 (2) the order is narrowly tailored to protect that interest; and (3) no less restrictive alternatives are available.”
17 *Maggi v. Superior Court*, 119 Cal.App.4th 1218, 1225 (2004) (internal citation omitted).

18 Here, Defendants’ overboard request for general restriction and prohibition as to how Plaintiff’s
19 counsel presents Plaintiff’s case without providing any specific facts or pointing to any specific evidence at
20 issue cannot be entertained. Defendants have not identified, for example, specific testimony and evidence that
21 they believe should be precluded at trial. Rather, they seek broad edicts as to what litigation strategies may
22 be employed by Plaintiff’s counsel- this tactic should not be entertained. Without pointing to a specific issue,
23 it is unclear for instance, what evidence is being offered, what its relevance and probative value and its potential
24 for prejudice is, and leaves the Court unable to properly rule on admissibility.

25 In conclusion, because motion *in limine* no. 9 does not address specific matters to preclude but rather
26 broadly tries to limit the advocacy of Plaintiff’s counsel, the motion should be denied.

1 Date: August 3, 2022

Respectfully submitted,

BRIGGS LAW CORPORATION

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4 By: Nora Pasin

5 Nora Pasin
6 Cory J. Briggs
7 Attorneys for Plaintiff Christopher Williams

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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 9

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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