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6 100 North First Street, Suite 300  
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*Exempt From Filing Fee  
Government Code Section 6103*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

JUN 04 2014

John A. ... Executive Officer/Clerk  
BY *[Signature]* Deputy  
Glenn Robinson

6 Attorneys for Defendant  
7 COUNTY OF LOS ANGELES

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

11 PATRICK E. MAXWELL

12 Plaintiff,

13 vs.

14 COUNTY OF LOS ANGELES and DOES 1 - 100,  
15 inclusive

16 Defendants.

Case No.: BC497305

Assigned to the Honorable: Michelle R. Rosenblatt  
[Dept.40]

**DEFENDANT COUNTY OF LOS ANGELES'  
MOTION IN LIMINE NO. 12 TO PRECLUDE  
PLAINTIFF AND HIS COUNSEL FROM  
INTRODUCING AT TRIAL ANY EVIDENCE,  
TESTIMONY OR REFERENCE TO COMMENTS  
ALLEGEDLY MADE BY SHERIFF BACA  
REGARDING "JEW MONEY" AND ANY OTHER  
RACIAL COMMENTS ALLEGEDLY MADE BY  
SHERIFF BACA OR ANY OTHER COUNTY  
EMPLOYEE; MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF NATALIE U.  
LUONGO, ESQ.**

*[Filed Concurrently with [Proposed] Order]*

Date: July 1, 2014

Time: 8:30 a.m.

Dept: 40

Trial Date: July 14, 2014

Complaint Filed: December 12, 2012

25 TO THE COURT, PLAINTIFF AND HIS ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that on July 1, 2014 at 8:30 a.m., or as soon thereafter as counsel may be  
27 heard in Department 40 of the above entitled Court, located at 111 North Hill St., Los Angeles, CA 90012,  
28 before trial and the selection of a jury in the above-entitled case, Defendant County of Los Angeles will move

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FILED 50/90

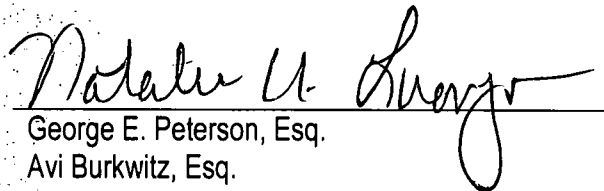
1 the Court for an Order to preclude Plaintiff, Patrick Maxwell, and his counsel from introducing at trial any  
2 evidence, testimony, argument or reference to comments allegedly made by Sheriff Baca regarding "Jew  
3 Money' and any/or any other racial remarks allegedly made by Sheriff Baca or any other County employee.

4 This motion is made pursuant to Cal. Evid. Code §210, 350, 352 and 1101 on the grounds that such  
5 evidence is irrelevant, lacks probative value, would confuse the issues, mislead the jury, and unfairly  
6 prejudice the Defendant. Further, the evidence constitutes impermissible character evidence.

7 This Motion in Limine is based on the attached Memorandum of Points and Authorities, the  
8 Declaration of Natalie U. Luongo, Esq., the attached exhibits, the complete files and records in this action,  
9 and any further argument and evidence that may be presented at or before the hearing on this Motion.

10  
11 DATED: June 4, 2014

**PETERSON · BRADFORD · BURKWITZ**

12  
13 By:   
14 George E. Peterson, Esq.  
15 Avi Burkwitz, Esq.  
16 Natalie U. Luongo, Esq.  
17 Kyle Maland, Esq.  
18 Attorneys for Defendant,  
19 COUNTY OF LOS ANGELES

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06 / 05 / 2014

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 The Defendant County of Los Angeles (the "County") anticipates that at trial, Plaintiff will attempt to  
4 introduce comments allegedly made by retired Sheriff Baca relating to "Jew money" and/or other comments  
5 pertaining to race allegedly made by Sheriff Baca and/or other LASD employees. Plaintiff is a Caucasian  
6 male and does not have any FEHA claim based on race. Accordingly, any evidence, testimony, reference or  
7 argument pertaining to any such alleged comments is irrelevant and will only serve to cause undue prejudice  
8 to the County, will confuse and mislead the jury, waste time at trial, and is impermissible character evidence.

9 II. RELEVANT FACTS

10 Plaintiff, Commander Patrick E. Maxwell, brings this lawsuit against his employer, the County of Los  
11 Angeles, arising out of Plaintiff's belief that no other person was more qualified for the position of Commander  
12 within the Los Angeles County Sheriffs Department (LASD) than he was from 2009 through 2012, and  
13 therefore, the only possible explanation for his failure to immediately promote to Commander when he  
14 decided he wanted the position, is either age discrimination in violation of the California Fair Employment and  
15 Housing Act, Cal. Govt. Code § 12940 et seq., ("FEHA"), or whistleblower retaliation in violation of Cal. Labor  
16 Code § 1102.5. Though most Captains retire without ever being promoted to Commander, since filing this  
17 lawsuit **Plaintiff was promoted to Commander**, effective June 30, 2013.

18 On July 19, 2013 Plaintiff's counsel deposed Sheriff Baca in connection with this case. (Declaration  
19 of Natalie U. Luongo, Esq. ("Luongo Dec.") ¶2). During Sheriff Baca's deposition, Plaintiff's counsel questioned  
20 Sheriff Baca extensively on remarks allegedly made by Sheriff Baca, which Sheriff Baca denied, relating to  
21 former Undersheriff Tanaka's soliciting of campaign contributions, asking Sheriff Baca if he ever said "Looks  
22 like they're trying to get all the Jew money?" (Luongo Dec. ¶3, Exhibit A, a true and correct copy of excerpts  
23 from the Deposition of Sheriff Leroy Baca, Vol. I dated July 19, 2013, pp. 3:25-14:10). Sheriff Baca strongly  
24 denied making any such remarks. (Luongo Dec. ¶3, Exhibit A, 13:25-14:10). Plaintiff's counsel also  
25 questioned former Undersheriff Paul Tanaka about this alleged comment, and also about whether Sheriff  
26 Baca ever made any other comment about Mexicans. (See, Luongo Dec. ¶4, Exhibit B, a true and correct  
27 copy of excerpts from the Deposition of Paul Tanaka, dated February 13, 2014, pp. 428:17-429:3). In  
28 addition, in Opposition to Defendant's Motion for Summary Judgment/Adjudication, Plaintiff submitted a

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1 Declaration of Joaquin Herran, another LASD employee who filed a race discrimination lawsuit against the  
2 County, which contained racial remarks allegedly made by Sheriff Baca about Hispanics. (See, Luongo Dec.  
3 ¶6). Plaintiff has also designated Ralph Webb, Rey Leyva and Samuel Dacus, as experts in this action, all of  
4 whom have alleged discrimination/retaliation race-based claims. (See, Luongo Dec. ¶6).

5 The County anticipates that Plaintiff will attempt to introduce these racial remarks allegedly made by  
6 Sheriff Baca and/or other County employees, in an attempt to poison the jury and prejudice the County.  
7 (See, Luongo Dec. ¶7). Clearly, any evidence or testimony pertaining to these alleged remarks at trial would  
8 be completely irrelevant to whether Plaintiff was discriminated against based on his age, is impermissible  
9 character evidence, and would only serve to harass and embarrass Sheriff Baca and other County  
10 employees while unfairly prejudicing the County. (Luongo Dec., ¶7). Therefore, any such evidence or  
11 testimony must be excluded at trial. (Luongo Dec., ¶7).

12 **III. EVIDENCE OF THE ALLEGED RACE-BASED COMMENTS MUST BE EXCLUDED**  
13 **BECAUSE IT IS IRRELEVANT**

14 Cal. Evid. Code§350 provides that no evidence is admissible except relevant evidence. Further, Cal.  
15 Evid. Code§351 states that all relevant evidence is admissible at the time of trial. "Relevant evidence means  
16 evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any  
17 tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the  
18 action." Cal Evid. Code§210.

19 Here, any evidence of racial comments allegedly made by Sheriff Baca pertaining to "Jew money" or  
20 Latinos have no bearing on whether Plaintiff, a Caucasian male, was discriminated against based on age.  
21 Any evidence pertaining to these alleged remarks does not tend to prove or disprove whether Plaintiff's age  
22 discrimination claim is true, and these inflammatory allegations would only serve to unfairly prejudice the  
23 County. (Luongo Dec., ¶7).

24 **IV. THE PROBATIVE VALUE OF THE ALLEGED REMARKS MADE BY SHERIFF BACA AND/OR**  
25 **OTHER LASD EMPLOYEES IS OUTWEIGHED BY DANGER OF UNDUE PREJUDICE TO THE COUNTY**

26 Cal. Evid. Code§352 provides the court with discretion to exclude evidence if its probative value is  
27 substantially outweighed by the probability that its admission will create substantial danger of undue  
28 prejudice, of confusing the issues, or of misleading the jury. The relevance of the evidence "is fact based and

1 depends on many factors, including how closely related the evidence is to the plaintiff's circumstances and  
2 theory of the case," and that similar considerations are involved in balancing the probative value of the  
3 evidence against its prejudicial effect. Johnson v. United Cerebral Palsy/Spastic Children's Foun., (2009)  
4 173 Cal. App. 4th 740, 767 quoting Sprint/United Management Company v. Mendelsohn (2008) 128 S. Ct.  
5 1140, 1145-1146. Cal. Evid. Code§352 provides the court with discretion to exclude evidence if its probative  
6 value is substantially outweighed by the probability that its admission will create substantial danger of undue  
7 prejudice, of confusing the issues, of misleading the jury or undue consumption of time.

8 **A. Undue Prejudice**

9 Prejudice is that which uniquely tends to evoke an emotional bias against a party and has very little  
10 effect on the issues. See Vorse v. Sarasy (1997) 53 Cal. App. 4th 998, 1008-09. There are several  
11 counterbalancing factors which may move the court to exclude relevant evidence including the danger that  
12 the facts offered may unduly arouse the jury's emotions of prejudice, hostility or sympathy. Love v. Wolf 226  
13 Cal. App 2d 378, 404.

14 Here, irrespective of any probative value, the County will be unduly prejudiced if the Plaintiff is  
15 allowed to introduce any evidence suggesting that Sheriff Baca and/or any other LASD employee made  
16 remarks concerning "Jew money," or any other racial comments. Statements and evidence about these  
17 alleged remarks, which Sheriff Baca denies, are not only speculative, but will very likely improperly arouse  
18 emotions of sympathy for Plaintiff or hostility or bias against the County, all of which would create undue  
19 prejudice to the County. (Luongo Dec. ¶B, Exhibit A; Luongo Dec. ¶7).

20 The remarks allegedly made by Sheriff Baca, or any other LASD employee bear no probative value  
21 as to whether *Plaintiff* was discriminated against based on age. Indeed, Plaintiff does not have a race  
22 discrimination claim, is not Jewish or Mexican, and does not allege that he was discriminated or retaliated  
23 against based on race. In fact, allowing such evidence would serve no other purpose than to impose undue  
24 prejudice upon the County. (Luongo Dec. ¶7).

25 **B. Confusion of the Issues**

26 Evidence Code Section 352 states that the court has discretion to exclude evidence if the evidence  
27 will "create substantial danger of confusion of the issues or of misleading the jury." Evid. Code§352.

28 Here, the issue is whether the Defendant discriminated against based on age or retaliated against.

1 As seen from Plaintiffs counsel's questioning of Sheriff Baca, Defendant can anticipate that Plaintiff will  
2 attempt to offer evidence of alleged comments by Sheriff Baca, which are entirely unrelated to Plaintiffs  
3 allegations, in an effort to support his claims. (Luongo Dec. ¶3, Exhibit A). If testimony regarding Sheriff  
4 Baca's, or any other employee's alleged remarks is allowed, a substantial danger will be created that such  
5 evidence will confuse the issues or mislead the jury. A "mini trial" regarding the facts surrounding these  
6 alleged comments would be required and the jury will become confused about what the effect these alleged,  
7 unrelated comments by Sheriff Baca or other LASD employees have on Plaintiffs age discrimination claim.  
8 This would divert the jury's attention from the main issues of this case, as comments allegedly made by  
9 Sheriff Baca about "Jew money" or any other racial remarks about Latinos are not what is at issue in this case.

10 Plaintiff is required to establish the elements of his own claims. The alleged remarks have zero  
11 probative value in establishing Plaintiffs age discrimination claim. On the other hand, the danger of  
12 confusing the issues and misleading the jury is substantial.

13 **C. Undue Consumption of Time**

14 The court in its discretion may exclude evidence if its probative value is outweighed by the  
15 probability that its admission will necessitate an undue consumption of time. Evid. Code §352. As noted  
16 above, any presentation of other employee's allegations relating to Sheriff Baca or other LASD employee's  
17 alleged racial remarks necessarily involves a "mini-trial" regarding the witnesses, circumstances, and impact of  
18 such remarks. Such evidence has absolutely no probative value as to Plaintiffs age claim and it will  
19 necessitate an undue consumption of time. As such it may be properly excluded under Evid. Code §352.

20 Allowing testimony regarding Sheriff Baca's or any other employee's alleged race-based comments  
21 would be even more time consuming, as the background and circumstances of each these allegations would  
22 have to be explained to the jury, yet will have zero impact on this case. None of this will prove whether  
23 Plaintiff was discriminated or retaliated against based on his age.

24 **V. EVIDENCE OF REMARKS ALLEGEDLY MADE BY SHERIFF BACA AND/OR OTHER LASD**  
25 **EMPLOYEES SHOULD BE EXCLUDED AS IMPROPER CHARACTER EVIDENCE**

26 Cal. Evid. Code §1101(a) provides that "evidence of a person's character or a trait of his or her  
27 character whether in the form of an opinion, evidence of reputation, or evidence of specific instances of his or  
28 her conduct is inadmissible when offered to prove his or her conduct on a specified occasion." (Emphasis

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1 added.) Under Cal. Evid. Code § 175 a person includes a 'firm, association, organization, or public entity' such  
2 as Defendant.

3 Plaintiff may seek to present evidence or testimony pertaining to remarks allegedly made by other  
4 LASD employees and/or Sheriff Baca concerning "Jew money," Mexicans or other racial comments, in the  
5 hopes that the jury will find that Sheriff Baca and/or the County and its employees discriminate against other  
6 races, and therefore must have been discriminated against Plaintiff based on his age as well. Evidence or  
7 testimony relating to Sheriff Baca's alleged comments on this specific instance will be solely for the purpose  
8 of painting Sheriff Baca to be a "bad guy." Such a tactic is impermissible. In City of Los Angeles v. Superior  
9 Court (Ferguson) (1973) 33 Cal. App. 3d 778, the Plaintiff accused a police officer of assault and battery and  
10 sought discovery of prior complaints against the officer. The court of appeal prohibited such discovery,  
11 holding that even if such evidence were relevant, information about the officer's past conduct was  
12 inadmissible as an improper use of character evidence. "[E]vidence of other specific instances of misconduct  
13 is not admissible to prove misconduct on the particular occasion." Id. at 784. See, also: Kelly Zurian v. Wohl  
14 (1994) 22 Cal. App. 4th 397, 410-411 (holding that trial court properly excluded evidence that employees  
15 other than plaintiff had accused the defendant supervisor of engaging in sexual harassment similar to that  
16 claimed by plaintiff); O'Mary v. Mitsubishi Electronics America, Inc. (1997) 59 Cal. App. 4th 563, 578 (holding  
17 that trial court properly excluded evidence of non-party employee's severance package in an age  
18 discrimination case because the evidence had "very little effect on the main issues in the case, which related  
19 to the why the plaintiff was laid off."). Whether or not Sheriff Baca or any other LASD employee ever uttered  
20 any comment racial comment has no effect on the issues in this case. Accordingly, Plaintiff should be  
21 precluded from presenting any such evidence, because it is improper character evidence.

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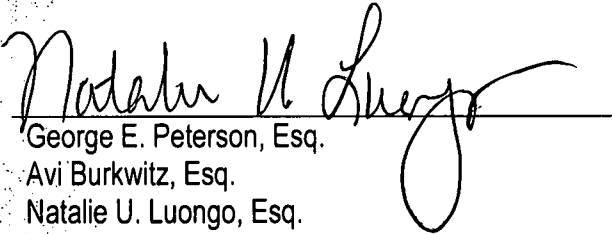
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VI. CONCLUSION

For the foregoing reasons, the County respectfully requests that this Court grant its Motion in Limine No. 12 and preclude Plaintiff from introducing, or attempting to introduce, any evidence of or reference to any remarks allegedly made by Sheriff Baca regarding "Jew money," Latinos, or any other racial remarks allegedly made by Sheriff Baca and/or other County employees.

DATED: June 4, 2014

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By:   
George E. Peterson, Esq.  
Avi Burkwitz, Esq.  
Natalie U. Luongo, Esq.  
Kyle Maland, Esq.  
Attorneys for Defendant,  
COUNTY OF LOS ANGELES

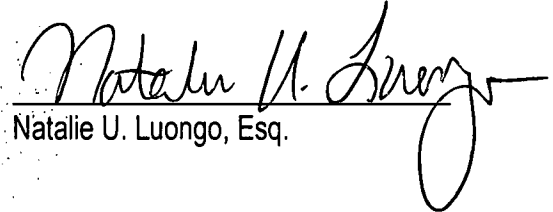


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1 8. Pursuant to Los Angeles County Superior Court, Local Rule 3.57, on June 3, 2014, our  
2 office sent a letter to Plaintiffs counsel in an effort to meet and confer regarding the subject matter of this  
3 Motion in Limine and Plaintiffs counsel has not stipulated to the matter. A true and correct copy of this letter  
4 is attached hereto as Exhibit C.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
6 and correct. Executed on June 4, 2014, in Burbank, California.

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Natalie U. Luongo, Esq.

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**In The Matter Of:**

**PATRICK MAXWELL**

*v.*

**COUNTY OF LOS ANGELES**

---

**BACA, LEROY - Vol. 1**

**July 19, 2013**

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**MERRILL CORPORATION**

**LegalLink, Inc.**

20750 Ventura Boulevard  
Suite 205  
Woodland Hills, CA 91364  
Phone: 818.593.2300  
Fax: 818.593.2301

06/05/2014

1 Q. Do you recall recently having a  
2 conversation with him in your office?

3 A. Yes.

4 Q. And during that conversation you were  
5 talking about support for Tanaka in the upcoming  
6 sheriff's election; correct?

7 A. I was talking with him about what his  
8 actions were that he was essentially disciplined  
9 for.

10 Q. You were talking about the trip to  
11 Las Vegas for his birthday, I believe.

12 A. I will prefer not to talk about this. It  
13 is an internal matter, and it's something involving  
14 his privacy.

15 Q. Fair enough for now. But do you recall  
16 when you had this conversation with Captain Rifkin,  
17 in part you talked about the support for  
18 Undersheriff Tanaka in the upcoming sheriff's  
19 election by Mr. Cavanaugh?

20 A. Mr. Rifkin himself made the appointment  
21 with me, and he explained what he wanted to be said  
22 to me.

23 Q. Which was?

24 A. It's his privacy and I respect that.

25 Q. Do you recall during this conversation

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1 with Captain Rifkin regarding Mr. Cavanaugh, you  
2 said, "Looks like they're trying to get all the Jew  
3 money"?

4 A. I would never say anything of that nature.

5 Q. So you deny making such a comment?

6 A. That's correct.

7 Q. Because that would be an inappropriate  
8 comment for the sheriff to make to a captain in the  
9 Sheriff's Department; correct?

10 A. I made no such comment.

11 Q. Such a comment would violate the policy of  
12 equality if it was made; true, sir?

13 A. I have no comment.

14 MR. PETERSON: It's an incomplete  
15 hypothetical. It lacks context.

16 You can respond.

17 THE WITNESS: I have no comment on my  
18 conversation with Mr. Rifkin.

19 BY MR. GAGE:

20 Q. I'm going to represent to you that  
21 Mr. Rifkin's told individuals that when he met with  
22 you, you discussed his support for Tanaka,  
23 Mr. Cavanaugh's support for Tanaka, and that during  
24 that conversation, you, Sheriff Baca, told Captain  
25 Rifkin, "It looks like you're trying to get all the

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1 I, MARLA GORLICK, CSR No. 3767, a  
2 Certified Shorthand Reporter for the State of  
3 California, do hereby certify:

4 That prior to being examined,  
5 LEROY BACA, the witness named in the foregoing  
6 deposition, was by me duly sworn to testify the  
7 truth, the whole truth, and nothing but the truth  
8 pursuant to Section No. 2093 of the Code of Civil  
9 Procedure;

10 That said deposition was taken before me  
11 at the time and place therein set forth and was  
12 stenographically recorded by me and thereafter  
13 reduced to typewriting;

14 That said deposition is a true record of  
15 the testimony given;

16 I further certify that I am neither  
17 counsel for, nor related to, any party to said  
18 action, nor in anywise interested in the outcome  
19 thereof.

20 In witness whereof, I have hereunto  
21 subscribed my name this 23<sup>rd</sup> day of July,  
22 2013.

23  
24 Marla Gorlick  
25 MARLA GORLICK  
CSR No. 3767

08/05/2014



005/005/200114

**In The Matter Of:**

**SAMUEL M. DACUS**

*v.*

**COUNTY OF LOS ANGELES**

---

**TANAKA, PAUL - Vol. 2**

**February 3, 2014**

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**MERRILL CORPORATION**

**LegalLink, Inc.**

20750 Ventura Boulevard  
Suite 205  
Woodland Hills, CA 91364  
Phone: 818.593.2300  
Fax: 818.593.2301

05/05/2014

1           A. I believe it was Captain Rifkin that told  
2 me the sheriff said that.

3           Q. And do you remember in more detail what  
4 Rifkin told you about the sheriff's comment about  
5 Jew money?

6           A. I think it was just something along the  
7 lines of what you just said.

8           Q. And I think Captain Rifkin is Jewish or  
9 part Jewish, and he indicated he was offended by  
10 the comments that Baca made.

11          A. Yes.

12          Q. And do you recall what he said in that  
13 regard in any more detail?

14          A. I don't remember him saying anything more  
15 other than just saying this is what the sheriff  
16 said to him.

17          Q. There's another time when Sheriff Baca  
18 made some comments to the effect that Mexicans  
19 shouldn't be given command; they're not capable of  
20 running the department, words to that effect.

21                 Did you ever hear anything in that regard?

22          A. I did.

23          Q. Tell me what you heard in that regard.

24          A. It was -- I don't believe it was about the  
25 command. It was -- had something to do with city

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1 government, and "Any time you put a bunch of" --  
2 I'm trying to think exactly what I heard --  
3 "Mexicans in charge of anything, they mess it up."

4 Q. And do you recall where Baca made that  
5 comment?

6 A. I believe it was at the Executive Planning  
7 Council meeting.

8 Q. I think that is what I recall now that  
9 you're bringing it up.

10 So the jury understands what the Executive  
11 Planning Council is, can you explain that to them,  
12 please.

13 A. It's the -- actually, the Executive  
14 Planning Council itself was a committee comprised  
15 of the top executives when it was created, chiefs  
16 numbering anywhere from eight to eleven, two  
17 assistant sheriffs, and the Executive Planning  
18 Council was chaired by the undersheriff. Following  
19 an Executive Planning Council meeting would be the  
20 sheriff's meeting, which he chaired it, but the  
21 audience was then the Executive Planning Council.

22 Q. Did it concern you that here you have the  
23 sheriff making derogatory comments about Mexicans  
24 to the chiefs and higher in the Sheriff's  
25 Department?

005 / 05 / 2014

1 I, MARLA GORLICK, CSR No. 3767, a  
2 Certified Shorthand Reporter for the State of  
3 California, do hereby certify:

4 That prior to being examined, PAUL TANAKA,  
5 the witness named in the foregoing deposition, was  
6 by me duly sworn to testify the truth, the whole  
7 truth, and nothing but the truth pursuant to  
8 Section No. 2093 of the Code of Civil Procedure;

9 That said deposition was taken before me  
10 at the time and place therein set forth and was  
11 stenographically recorded by me and thereafter  
12 reduced to typewriting;

13 That said deposition is a true record of  
14 the testimony given;

15 I further certify that I am neither  
16 counsel for, nor related to, any party to said  
17 action, nor in anywise interested in the outcome  
18 thereof.

19 In witness whereof, I have hereunto  
20 subscribed my name this 10<sup>th</sup> day of FEBRUARY,  
21 2014.

22  
23 

24 MARLA GORLICK  
25 CSR No. 3767

06/05/2014

05/05/2014

# Peterson • Bradford • Burkwitz

ATTORNEYS AT LAW

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Email: [kmaland@PBLLP.com](mailto:kmaland@PBLLP.com)

June 3, 2014

**VIA U.S. MAIL & EMAIL:**

[Bgage@goldberandgage.com](mailto:Bgage@goldberandgage.com)

[msadr@goldberandgage.com](mailto:msadr@goldberandgage.com)

Bradley C. Gage, Esq.  
Law Offices of Goldberg & Gage  
23002 Victory Blvd.  
Woodland Hills, CA 91367

Re: **Maxwell, Patrick E. v County of Los Angeles**

Dear Counsel:

Please be advised that the County of Los Angeles intends to file the following motions *in limine* for the upcoming trial:

1. **Motion in Limine No. 1** to preclude defendant's counsel from improperly testifying, narrating, or arguing during witness examination.
2. **Motion in Limine No. 2** to preclude Samuel Dacus as an expert at trial.
3. **Motion in Limine No. 3** to exclude any testimony, evidence or reference to Plaintiff's alleged 2013 denial of promotion which is not contained in Plaintiff's DFEH complaint.
4. **Motion in Limine No. 4** to exclude testimony, evidence, or reference to an allegation that Carlos Vignali used the LASD, Former Sheriff Baca, and/or Maxwell to deliver \$200,000 to President Clinton as a bribe.
5. **Motion in Limine No. 5** to exclude evidence, testimony, or reference to whistleblowing conduct prior to 2012.

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6. **Motion in Limine No. 6** to exclude evidence, testimony, or reference to unrelated lawsuits, i.e. Kathy Voyer and/or the Angel Jaimes lawsuit; Dacus Lawsuit; Web, Leyva Herran Lawsuit.
7. **Motion in Limine No. 7** to exclude any evidence, testimony, or reference to an alleged comment by Paul Tanaka that "44 IA investigators are too fucking many."
8. **Motion in Limine No. 8** to exclude evidence, testimony, or reference to Anthony Brown and any FBI investigation into the County Jails.
9. **Motion in Limine No. 9** to exclude evidence, testimony, or reference to LASD gangs/tattoos. (jump out boys," the "3000 boys," or the "regulators" including any reference to Tanaka being in Vikings and having a Tattoo.
10. **Motion in Limine No. 10** to exclude any evidence, testimony, or reference to an alleged employment "hit list" or death list."
11. **Motion in Limine No. 11** to Preclude "Me Too" Evidence (i.e., evidence of claims based on race - protected classes other than age only.)
12. **Motion in Limine No. 12** to preclude evidence of or reference to any remarks by Sheriff Baca/other LASD Officials regarding "Jew Money" or other racial comments.
13. **Motion in Limine No. 13** to preclude evidence, testimony, re reference to alleged FBI surveillance and investigation into LASD officers.
14. **Motion in Limine No. 14** to preclude Plaintiff's evidence, testimony, or reference to allegations that Undersheriff Waldie/LASD Officials engaged in illegal acts/engaged in gambling during golf games.
15. **Motion in Limine No. 15** to preclude Plaintiff, Plaintiff's attorneys and/or witnesses from mentioning, referencing, or alluding to the Jail Commission Investigation into inmate beatings and/or how the jails are run and operated.
16. **Motion in Limine No. 16** to preclude Plaintiff, Plaintiff's attorneys and/or witnesses from mentioning, referencing, or alluding to the work performance of Captain Steinbrenner.
17. **Motion in Limine No. 17** to preclude Plaintiff, Plaintiff's attorneys and/or witness questioning, referencing, or mentioning of any alleged "cigar smoking club."

06/05/2014



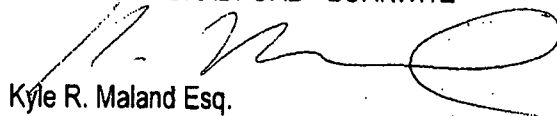
Bradley C. Gage, Esq.  
Milad Sadr, Esq.  
Re: Maxwell, Patrick E. v. County of Los Angeles  
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Page 3

18. **Motion in Limine No. 18** to preclude Plaintiff, Plaintiff's attorneys and/or witness questioning, referencing, or mentioning of prior settlements or verdicts against Los Angeles County or its employees.
19. **Motion in Limine No. 19** barring any evidence, testimony, or reference to any age discrimination claim or allegation prior to November 2011.
20. **Motion in Limine No. 20** to exclude evidence, testimony or reference to Tanaka Shooting an unarmed suspect (in FAC).
21. **Motion in Limine No. 21** to preclude Ralph Webb as an expert at trial.
22. **Motion in Limine No. 22** to preclude Ray Leyva as an expert at trial.

Please advise, as soon as possible, whether or not you will stipulate with respect to the above listed motions.

Sincerely,

PETERSON · BRADFORD · BURKWITZ



Kyle R. Maland Esq.

KM/mg

06/05/2014

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 North First Street, Suite 300, Burbank, California 91502.

On June 4, 2014, I served the foregoing document described as:

**DEFENDANT COUNTY OF LOS ANGELES' MOTION IN LIMINE NO. 12 TO PRECLUDE PLAINTIFF AND HIS COUNSEL FROM INTRODUCING AT TRIAL ANY EVIDENCE, TESTIMONY OR REFERENCE TO COMMENTS ALLEGEDLY MADE BY SHERIFF BACA REGARDING "JEW MONEY" AND ANY OTHER RACIAL COMMENTS ALLEGEDLY MADE BY SHERIFF BACA OR ANY OTHER LASD EMPLOYEE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF NATALIE U. LUONGO, ESQ.**

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED MAILING LIST**

- BY MAIL:** I deposited such envelope in the mail at Burbank, California. The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Burbank, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion.
- BY OVERNIGHT EXPRESS MAIL:** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence by Overnight Express mailing. Under that practice it was deposited with the Overnight Express service on that same day with proper postage thereon fully prepaid at Burbank, California in the ordinary course of business.
- BY PERSONAL SERVICE:** I delivered such envelope by hand to the addressee.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 4, 2014, at Burbank, California.

  
Nadia Rodriguez

PETERSON · BRADFORD · BURKOWITZ  
100 North First Street, Suite 300  
Burbank, California 91502  
818.562.5800

7 1 0 2 / 5 0 / 9 0

SERVICE LIST

RE: Maxwell, Patrick E. v. County Of Los Angeles

Case No.: BC497305

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06/05/2014