

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARY McDONALD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-1020-GEB
)	
CITY OF WICHITA, KANSAS and)	
GARY REBENSTORF,)	
)	
Defendants.)	
_____)	

ORDER

For the reasons stated on the record during the In Limine Conference, the Court is granting in part and denying in part Plaintiff's Motion in Limine [138]; granting in part and denying in part Defendants' Motion in Limine [141]; and sustaining and overruling, in part, Defendants' Objections to Plaintiff's Witnesses and Exhibits [142].

With regard to Plaintiff's Motion [138], the motion is GRANTED and the following evidence is excluded: Topic 1 (Campbell case and Judge Ice remarks); Topic 3 (KHRC determination); and Topic 5 (rumors). Plaintiff's Motion [142] is DENIED and Topic 2 (3/7/11 Dickgrafe memo) is allowed. Plaintiff's Motion is GRANTED IN PART regarding Topic 4, in that witness Townsley is permitted to testify only regarding his qualifications at hiring and his subsequent performance is excluded. With regard to Topic 6 (collateral evidence) and Topic 7 (undisclosed evidence), the Court tentatively

GRANTS Plaintiff's motion, with the caveat that the issues may be reassessed as evidence is presented at trial.

With regard to Defendants' Motion [141], the motion is GRANTED and the following evidence is excluded: Topic D (2014 Dickgrafe incident), Topic E (Prior representation/ disqualification), and Topic H (miscellaneous topics). Defendants' Motion is DENIED as follows: Topics F and G are allowed. The motion is GRANTED IN PART regarding Topic C, and reference to the *Shirkey* matter will only be allowed for the narrow purpose of impeachment during cross-examination of defendant Rebenstorf. Counsel are to approach for a sidebar conference prior to engaging in examination regarding the *Shirkey* matter.

With regard to Defendants' Objections [142]: Objections to Topics A & B (Metz testimony & related Pl.'s Trial Exs. 48, 51) are overruled, but counsel are cautioned regarding the narrowing of questioning to avoid privilege issues. Objections to Topic C (Pl.'s Trial Ex. 6) are moot per the parties' agreement. Objections to Topic D (Pl.'s Trial Exs. 52-54) are overruled. Objections to Topic E (Pl.'s Exs. 59-61) are moot per parties' agreement to exclude unless necessary for impeachment. Objections to Topic F (Pl.'s Ex. 68) are upheld & the transcript excluded. Objections to Topic G (Pl.'s Ex. 29) are overruled.

IT IS SO ORDERED.

DATED January 13, 2017.

S/ Gwynne E. Birzer
GWYNNE E. BIRZER
U.S. MAGISTRATE JUDGE