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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Manuel de Jesus Ortega Melendres, et al.,
Plaintiffs,
v.
Joseph m. Arpaio, et al.,
Defendants.

No. CV-07-2513-PHX-GMS
ORDER SETTING TRIAL

A Final Pretrial Conference was held on March 23, 2012. Counsel appeared on behalf of Plaintiffs and Defendants. On the basis of the parties' written submissions and the hearing,

IT IS HEREBY ORDERED:

1. Trial to the bench in this matter shall begin on **July 19, 2012 at 8:30 a.m.**
2. Trial shall be held on **July 19, July 24 - 26, July 31-August 1**nd, if necessary and merited on **August 2**. Plaintiffs shall be allotted **20 hours** for its case in chief and **two hours** of rebuttal. Defendants shall be allotted **20 hours** of trial time. The Court will keep track of each side's time. Opening and closing statements, direct examination, and cross-examination shall be counted against the parties' allotted time.
3. The parties' proposed final pretrial order was approved by the Court as the final pretrial order in this case. The order shall govern the presentation of evidence and other trial issues, and, pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, shall be modified only to prevent manifest injustice. Evidence, objections, legal arguments, and relief not

1 requested or identified in the order shall not be available at trial, except to prevent manifest
2 injustice.

3 4. The Court addressed Plaintiffs' Motion in Limine re: Evidence Regarding
4 Alleged MCSO Encounters with Persons Other than the Named Plaintiffs (Doc. 510). Although
5 the Motion is, in large part, well taken, for the reasons set forth on the record at the Final
6 Pretrial Conference, the Motion is **denied without prejudice** to its renewal on the grounds of
7 undue delay and needless presentation of cumulative evidence under Fed. R. Ev. 403.

8 5. The Court addressed Defendants' Motion in Limine No. 2: Expert Testimony
9 Regarding Subconscious/Unconscious Bias or Subjective Thought or Motivation (Doc. 511).
10 The motion is **granted in part and denied in part**. The alleged unconscious bias of any
11 Defendant will not be admitted for the purpose of asserting that the Defendants, or any
12 particular Defendant, had the necessary mental state required to prevail on the Plaintiff's claim
13 due to his or her unconscious bias. Nevertheless, to the extent that Plaintiffs assert that the
14 Defendants' failure to train to avoid unconscious bias itself is evidence of discriminatory intent,
15 the motion is denied.

16 6. The Court addressed Defendants' Motion in Limine No. 3: Citizen Letters and
17 Complaints (Doc. 512). The motion is **denied**.

18 7. The Court addressed Plaintiffs' Motion in Limine to Exclude Evidence of U.S.
19 Immigration and Customs Enforcement (ICE)'s Alleged Approval of MCSO Activities Pursuant
20 to 287(G) (Doc. 515). The motion is **granted in part and denied in part**. The motion is
21 granted to the extent that the Court will permit no conclusions by any ICE witness on whether
22 any particular activity of the Defendant, or its practices in general, did or did not constitute
23 racial profiling. Nevertheless, the motion is denied to the extent that the witnesses may offer
24 testimony about any training the MCSO officers that were 287(g) certified received concerning
25 racial profiling, or the facts observed by the ICE agents on which they based any such
26 conclusions. Any related objections shall be deferred until trial.

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1 8. The Court addressed Plaintiffs' Motion in Limine to Exclude Certain U.S .
2 Immigration and Customs Enforcement ("ICE") Witnesses (Doc. 516). Without objection by
3 Defendants, that motion is **granted**.

4 9. The Court addressed Plaintiffs' Motion in Limine to Exclude Testimony of
5 Scott Jeffreys (Doc. 517). Defendants' disclosure of Mr. Jeffreys is in adequate compliance
6 with Fed. R. Civ. P. 26(a)(2)(c)(ii). The motion is **denied**.

7 DATED this 23rd day of March, 2012.

8 *G. Murray Snow*
9 _____

10 G. Murray Snow
 United States District Judge

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