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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA
18 FRESNO DIVISION
19 2500 TULARE STREET | FRESNO, CA 93721

20 JEFF SILVESTER, BRANDON
21 COMBS, THE CALGUNS
22 FOUNDATION, INC., a non-profit
23 organization, and THE SECOND
24 AMENDMENT FOUNDATION,
25 INC., a non-profit organization,

26 Plaintiffs,

27 vs.

28 KAMALA HARRIS, Attorney General
of California, and DOES 1 to 20,

Defendants.

Case No.: 1:11-CV-2137 AWI SAB

PLAINTIFFS RESPONSE TO
DEFENDANTS' MOTIONS IN LIMINE
#1 and #2

Hearing Date: March 11, 2014
Hearing Time: 1:30 p.m.
Courtroom: 2

Defendants' Motion in Limine #1 and #2 (Doc # 51) to exclude expert testimony for a failure to disclose experts and to exclude hearsay testimony is almost a mirror image of Plaintiffs own motion on this topic.

Defendants' Motion is therefore unopposed, except to remind the Court that lay opinion testimony that is relevant and that does not stray into realm of evidence reserved for qualified and properly disclosed experts remains admissible under the

1 rules cited in Plaintiffs' own motion in limine. Namely:

2 Lay Opinion [FRE 701]

3 A nonexpert witness' testimony in the form of an opinion or inference is
4 limited to those opinions or inferences which are:

- 5 (a) rationally based on the witness' perception;
- 6 (b) helpful to a clear understanding of the witness' testimony or the
7 determination of a fact in issue; and
- 8 (c) not based on scientific, technical or other specialized knowledge within the
9 scope of Rule 702 (expert testimony).

10 Respectfully Submitted on March 3, 2014 by:

11
12 /s/ Victor Otten

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