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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

JAMES M. CLEAVENGER,

Case No. 6:13-cv-01908-DOC

Plaintiff,

PLAINTIFF'S MOTIONS IN LIMINE

vs.

**UNIVERSITY OF OREGON (an Agency and
Instrumentality of the State of Oregon), et al.,**

Defendants.

Plaintiff hereby moves to exclude the following from evidence in this matter:

1. No reference to unemployment benefits plaintiff received because it is irrelevant and a collateral source.
2. No witnesses should testify as to conclusions of law. Plaintiff requests that they be prohibited from expressing such conclusions as legality and constitutionality are solely for the Court to determine and/or instruct the jury if a factual dispute exists.

3. Prior bad acts of plaintiff. If defense counsel believes they have admissible prior bad acts, they should bring it to the attention of the Court first, before discussing in open court.
4. Any reference to taxpayer funds being used to pay a jury award.
5. Any reference to after-acquired evidence as a rationale for Cleavenger's termination. The doctrine of after-acquired evidence has not been and should not be adopted in Oregon.
6. Any argument or suggestion that the matters that plaintiff was speaking out about or complaining about were not true. The truth or falsity of the complaints is irrelevant.
7. Any argument about the wonderful work or charity work that the University of Oregon does.
8. No reference to the fact that Cleavenger takes any medication. Irrelevant and prejudicial, all medications were known to defendants prior to his hiring.
9. No reference to what plaintiff would do with the money if he recovered.
10. No reference to plaintiff's divorce or marital discord.

DATED August 10, 2015.

/s/ Mark McDougal

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CERTIFICATE OF SERVICE

I certify that on August 10, 2015, I served or caused to be served a true and complete copy of the foregoing **PLAINTIFF'S MOTIONS IN LIMINE** on the party or parties listed below as follows:

Andrea Coit
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Via CM / ECF Filing

/s/ Mark McDougal

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