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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO**

,)
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Plaintiffs,)
)
v.)
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,)
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Defendants.)
)
and related cross-actions.)
_____)

Case No.:
**TENTATIVE RULINGS ON MOTIONS
IN LIMINE AND OTHER MATTERS**
PTC: January 26, 2026
Time: 1:30 p.m.
Dept. 4
Trial Date: February 11, 2026
Assigned to Hon. Nancy L. Fineman

1 **MOTIONS IN LIMINE**

2 The court rules on the parties’ motions in limine as follows. These rulings are tentative
3 and can be changed any time before or during trial. (*Scott v. C.R. Bard, Inc.* (2014) 231
4 Cal.App.4th 763, 784; *Cristler v. Express Messenger Systems, Inc.* (2009) 171 Cal.App.4th 72,
5 90, n. 6.)

6 **PLAINTIFFS’ MOTIONS IN LIMINE**

7 The court notes that it only has oppositions from Maiden Stone, Inc.

8 **Nos. 1 and 2 re Financial Condition**

9 The motions are granted, but the ruling does not exclude all evidence that would
10 demonstrate wealth or the lack thereof. The court expects that there will be some testimony
11 about plaintiffs’ property, including the house and some information about the size of the
12 defendants and perhaps other information. No evidence regarding financial condition, e.g.
13 balance sheets, profit and loss statements, amount of investments or salary, are permitted.

14 **No. 3 re Exclude Settlement**

15 Granted. The court notes that the settlement agreement is on an exhibit list.

16 **No. 4 re “Unqualified Expert” Sandra Jones**

17 Based upon the evidence presented, the court finds that Sandra Jones satisfies the
18 requirements of Evidence Code section 801 in having special knowledge, skill, and experience.
19 She may be cross-examined vigorously.

20 However, plaintiffs also state that she was not disclosed as an expert. If she is going to
21 testify as a non-retained expert, she needed to be disclosed as one. (*Schreiber v. Estate of Kiser*
22 (1999) 22 Cal.4th, 31, 35; *Dozier v. Shapiro* (2011) 199 Cal.App.4th 1509, 1520; *Hurtado v.*
23 *Western Med. Ctr.* (1990) 222 Cal.App.3d 1198, 1203; *Cal. Prac. Guide Civ. Trials & Ev.* §
24 11:15.1 (TRG Oct. 2025).) If she was not disclosed as providing expert opinions, then she may
25 not testify about issues requiring expert opinion. To the extent, however, that the testimony is
26 based upon common experience or rationally based on the perception of the witness, expert
27 testimony is not necessary. (Evid. Code, § 800; see e.g. *Martin v. Siller* (1936) 17 Cal.App.2d
28 153, 158 [“ ‘Where the eye strikes the pipe end and an injury to the eye results, expert

1 testimony is required to determine the exact character of the injury before it can be decided that
2 the pipe end produced the injury.’ Neither authority nor logic supports this statement.

3 Common reasoning tells us that if the eye strikes the end of a pipe, and an injury to the eye
4 results, expert testimony is unnecessary.”]; *Latky v. Wolfe* (1927) 85 Cal.App. 332, 343
5 [plaintiff could testify about her “physical condition prior to and following the accident as
6 indicative of the effect that the injuries she received in the accident had upon her body or her
7 mind.”].) The parties are to discuss the scope of her testimony at the pretrial conference.

8 **No. 5 to Exclude Evidence of Other Projects Where Maiden Stone Supplied**
9 **Windsor Select Limestone Products**

10 Denied. The basis for the motion is that Maiden Stone refused to identify the projects
11 in responses to discovery or produce documents. However, plaintiffs did not bring a motion to
12 compel.

13 **WADE’S MOTIONS IN LIMINE**

14 **No. 1 to Exclude Undisclosed Evidence**

15 The motion is too general for the court to rule. (*Kelly v. New West Federal Savings*
16 (1996) 49 Cal.App.4th 659.) The joint exhibit list will have documents and if there are
17 objections, Wade can object to specific exhibits.

18 **No. 2 to Exclude Evidence of Liability Insurance**

19 Granted.

20 **No. 3 to Exclude Evidence that Defense Counsel is Employed by the Insurance**
21 **Company**

22 Granted.

23 **No. 4 to Exclude “Reptile” Tactics**

24 The court grants the motion to prohibit “reptile theory’ arguments, which are improper
25 appeals to a jury's emotions by arguing a defendant's conduct threatens the community's
26 safety.” (*Russell v. Department of Corrections and Rehabilitation* (2021) 72 Cal.App.5th 916,
27 941, reh'g denied (Jan. 13, 2022), review denied (Mar. 9, 2022) citing *Regalado v. Callaghan*
28 (2016) 3 Cal.App.5th 582, 599; *Burchell v. Faculty Physicians & Surgeons of Loma Linda*

1 *University School of Medicine* (2020) 54 Cal.App.5th 515, 530 [improper for counsel to appeal
2 to jury's self-interest and ask them to use their verdict to protect the community generally].)

3 The court grants to preclude any Golden Rule argument. (Cotchett & Fineman,
4 *Persuasive Opening Statements and Closing Arguments*, § 3.7 (CEB 2025).) The ruling
5 includes any statement that the jury acts as the conscience or voice of the community.
6 (*Regalado v. Callaghan*, *supra*, 3 Cal.App.5th at p. 599.)

7 The court denies the motion as to any effort to stop closing argument from being
8 vigorous. The court expects that the parties know the outer bounds of advocacy and that they
9 will conduct their voir dire, make their opening statement and closing arguments within the
10 law's parameters. (See Cotchett & Fineman at Chapter 3.)

11 The court reminds the parties that opening statement and examination of witnesses are
12 not to contain argument.

13 **OTHER PARTY'S MOTIONS IN LIMINE**

14 The court did not receive any courtesy copies of motions in limine from any other party
15 and does not see any motions in Odyssey.

16 **By 11:00 a.m. on January 23, 2026, the parties shall email Department 4 and each**
17 **other as to any tentative rulings for motions in limine that they wish to contest. If the**
18 **court and the opposing party do not receive notice by that time, the tentative rulings will**
19 **be adopted at the pretrial conference.**

20 **VOIR DIRE AND QUESTIONNAIRE**

21 The parties are to meet-and confer to determine the number of sides and accordingly, the
22 number of preemptory challenges. (Code of Civ. Proc., § 231, subd. (c).) The court will
23 discuss this subject at the pretrial conference.

24 For voir dire, the court generally asks the questions in the Standards of Judicial
25 Administration, Standard 3.25(c) and allows the parties to conduct most of the voir dire. There
26 is no question that the parties have a constitutional right to an impartial jury and that "the trial
27 judge should permit liability and probing examination calculated to discover bias or prejudice.
28 (Code Civ. Proc., § 222.5.) Voir dire, however, is not unlimited, the court has broad discretion

1 in how voir dire is conducted, and the court can impose reasonable time limits. (*Cal. Judges*
2 *Benchbook Civ. Proc. Trial* §§ 3.53, 3.54, 3.56 (July 2025 update).)

3 The court explains its understanding of “for cause” challenges. There is no question that
4 a prospective juror may be challenged for cause when the potential juror has actual bias. (Code
5 Civ. Proc., § 225, subd. (b)(1)(C).) The trial judge is the arbiter of whether a juror will act
6 fairly where there are indications both ways or other ambiguity. (See *People v. Thornton*
7 (2007) 41 Cal.4th 391, 414.) In discussing death penalty cases, our Supreme Court provides
8 useful guidance on how a trial court is to rule upon “for cause” challenges. The key is whether
9 the prospective juror agrees to listen to the evidence and decide the case only upon the
10 evidence and the law and prospective jurors may not be disqualified from service simply
11 because they object to the death penalty as a general matter. As explained for death penalty
12 cases:

13 “[N]ot all who oppose the death penalty are subject to removal for cause in capital cases;
14 those who firmly believe that the death penalty is unjust may nevertheless serve as jurors
15 in capital cases so long as they state clearly that they are willing to temporarily set aside
16 their own beliefs in deference to the rule of law.” (*Lockhart v. McCree* (1986) 476 U.S.
17 162, 176, 106 S.Ct. 1758, 90 L.Ed.2d 137.) Nor may a juror be disqualified from service
18 because he or she might “impose a higher threshold before concluding that the death
19 penalty is appropriate.” (*People v. Stewart* (2004) 33 Cal.4th 425, 447, 15 Cal.Rptr.3d
20 656, 93 P.3d 271.) “The critical issue is whether a life-leaning prospective juror — that
21 is, one generally (but not invariably) favoring life in prison instead of the death penalty
22 as an appropriate punishment — can set aside his or her personal views about capital
23 punishment and follow the law as the trial judge instructs.” (*People v. Thompson* (2016)
24 1 Cal.5th 1043, 1065, 210 Cal.Rptr.3d 667, 384 P.3d 693.) If a juror can obey those
25 instructions and determine whether death is appropriate based on a sincere consideration
26 of aggravating and mitigating circumstances, the juror may not be excused for cause.
27 (*People v. Armstrong, supra*, 6 Cal.5th at p. 750, 243 Cal.Rptr.3d 105, 433 P.3d 987;
28 *Stewart*, at p. 447, 15 Cal.Rptr.3d 656, 93 P.3d 271; *People v. Lewis* (2001) 25 Cal.4th
610, 633, 106 Cal.Rptr.2d 629, 22 P.3d 392.)

(*People v. Peterson* (2020) 10 Cal.5th 409, 429–430; see also *People v. Kipp* (1998) 18 Cal.4th
349, 366 [no abuse of discretion by trial court in rejecting for cause challenge when the trial
court could reasonably determine that despite juror’s expressed distaste for defendant’s
appearance, she would faithfully discharge oath to impartially determine facts and apply law to
reach just verdict]; *Graybill v. De Young* (1905) 146 Cal. 421, 422–424 [no abuse of discretion
in rejecting challenge for cause in libel action where juror admitted prejudice against such

1 actions but said he would try case “on the evidence and the law”]; *People v. Bivert* (2011) 52
2 Cal.4th 96, 115 (trial court reasonably determined that despite juror's strong pro-death penalty
3 views, juror would follow law as instructed] A preexisting opinion is not disqualifying if the
4 juror can set it aside and decide the case solely on the evidence presented in court. (*People v*
5 *Rountree* (2013) 56 Cal.4th 823, 842; *Alcazar v Los Angeles Unified Sch. Dist.* (2018) 29
6 Cal.App.5th 86, 99.)

7 The court is aware of the Legislature’s enactment of Code of Civil Procedure section
8 237.1, which has started to apply to certain limited civil cases (not this case). The court
9 expects that counsel will also be aware of the statute’s requirement and conduct their voir dire
10 keeping in mind the legislature’s goal of minimizing implicit bias.

11 **JURY INSTRUCTIONS AND VERDICT FORMS**

12 The parties have failed to comply with the pretrial order as there are no joint jury
13 instruction and not all parties have filed jury instructions. Accordingly, by 9:00 a.m. on
14 January 26, 2026, the parties are to file joint jury instructions as set forth in the pretrial order.
15 A copy shall be emailed to Department 4 and a hard copy brought to the pretrial conference.

16 The court does not have a joint proposed verdict form as required by the pretrial order.
17 Accordingly, by 9:00 a.m. on January 26, 2026, the parties are to file joint verdict form as set
18 forth in the pretrial order. A copy shall be emailed to Department 4 and a hard copy brought to
19 the pretrial conference.

20 **STATEMENT OF THE CASE**

21 The parties have failed to comply with the pretrial order which requires a joint proposed
22 statement of the case. Accordingly, by 9:00 a.m. on January 26, 2026, the parties are to file a
23 joint statement as set forth in the pretrial order. A copy shall be emailed to Department 4 and a
24 hard copy brought to the pretrial conference.

25 **WITNESSES**

26 The parties have failed to comply with the pretrial order as there is not a joint witness
27 list. Accordingly, by 9:00 a.m. on January 26, 2026, the parties are to file joint jury
28

1 instructions as set forth in the pretrial order. A copy shall be emailed to Department 4 and a
2 hard copy brought to the pretrial conference.

3 The court has does not have any deposition designations and therefore assumes that
4 depositions will only be used for impeachment.

5 If any witness will be testifying by Zoom, the parties shall so indicate at the pretrial
6 conference and if any party objects to the witness testifying by Zoom, the party shall indicate
7 the reason for the objection.

8 The parties are to notify the other side no later than 4:30 p.m. the court day before the
9 next court day of the witnesses who will be called the next court day.

10 If a party does not have a witness ready to testify, the court, in its discretion, may find
11 that the party has rested.

12 EXHIBITS

13 The parties have failed to comply with the pretrial order as there is not a joint exhibit
14 list. Accordingly, by 9:00 a.m. on January 26, 2026, the parties are to file joint jury
15 instructions as set forth in the pretrial order. A copy shall be emailed to Department 4 and a
16 hard copy brought to the pretrial conference.

17 The court has the following comments:

18 The “joint trial exhibit list,” which is only from plaintiffs and cross-defendant Candance
19 Rodighero, does not have exhibit numbers.

20 Deposition notices are generally not admitted into evidence.

21 Settlement agreements are generally not admitted into evidence. Plaintiffs shall provide
22 the reasoning that the settlement agreement is admissible and the parties shall meet-and-confer
23 on a limiting instruction if the agreement is admitted into evidence.

24 Expert files and CVs are generally not admitted into evidence.

25 Some of the “joint trial exhibit list” is too general.

26 Wade’s descriptions are too general.

27 For the discovery responses, only the relevant questions and answers (with objections
28 redacted) which are used will be admitted into evidence.

