

**CORRECTED 6/2/15 as to time in court.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. EDCV 12-00438-CJC (SPx) Date May 22, 2015

Title Kenneth Aaron Shinedling, et al v. Sunbeam Products, Inc., et al

Present: The Honorable CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Dwayne Roberts

Deputy Clerk

Attorneys Present for Plaintiffs:

Arash Homampour
Corey Arzoumanian

Debbie Hino-Spaan

Court Reporter / Recorder

Attorneys Present for Defendants:

Ann Ellis
David O'Connell

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Proceedings: INITIAL PRETRIAL CONFERENCE

Plaintiff's Motion in Limine (**#1**) To Exclude Testimony, Evidence or Argument of Government, Industry or Private Standards or Regulations or Industry Custom or that the Subject Heater Complied with Any Such Standards, Regulations, or Custom [122] (filed 6/9/14)

Plaintiff's Motion in Limine (**#2**) To Exclude Testimony, Evidence or Argument that Rebuttle Witness Dr. Kyle Boone was not Allowed to Examine Plaintiff Kenneth Shinedling [123] (filed 6/9/14)

Plaintiff's Motion in Limine (**#3**) To Exclude Expert Testimony from Dr. Kyle Boone [124] (filed 6/9/14)

Plaintiff's Motion in Limine (**#4**) To Exclude Evidence Based on Collateral Source or Relating to Any Insurance or Insurance Claims [125] (filed 6/9/14)

Plaintiff's Motion in Limine (**#5**) To Exclude Testimony, Evidence or Argument of Unrelated Acts Related to Plaintiff's Previous Residential Fires [126] (filed 6/9/14)

Plaintiff's Motion in Limine (**#6**) To Evidence of an Offer to Take or Declining to Take of Polygraph Examination [127] (filed 6/9/14)

Plaintiff's Motion in Limine (**#7**) To Exclude Duplicative and/or Cumulative Expert Testimony and Reports [129] (filed 6/9/14)

Plaintiff's Motion in Limine (**#8**) To Exclude Testimony, Evidence or Argument Related to Hearsay, Speculative/Irrelevant Matter and Evidence Lacking Foundation [128] (filed 6/9/14)

Plaintiff's Motion in Limine (**#9**) To Exclude Evidence of an Offer Plaintiff Belongs to a Dating Group or was Dating [130] (filed 6/10/14)

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Plaintiff's Motion in Limine (**#10**) To Exclude Testimony, Evidence or Argument as to Whether any Other Person Shares Dr. Palmer's Opinion He Has States In This Matter [131] (filed 6/10/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#1**) to Exclude Plaintiffs' Expert John Palmer [106] (filed 6/4/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#1A**) to Exclude Reference To Certain Testing Performed By Plaintiffs Expert John Palmer [108] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#2**) to Exclude Evidence Of Purported Discovery Disputes; Preclude Plaintiffs From Referencing Documents Not Produced In Discovery; And Preclude Plaintiffs From Referencing Documents And Witnesses Identified After The Close Of Fact Discovery [10] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#3**) to Exclude Reference To Design Changes Made In The Quartz Heater Line [110] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#4**) to Exclude Autopsy Photographs Of Decedent Amy Celeste Shinedling [111] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#5**) to Exclude The Use Of The Consumer Expectations Test Of Design Defect And Limit Plaintiffs To The Risk-Benefit Test Of Design Defect [112] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#6**) to Exclude Articles, Reports And References Regarding The Safety Of Heaters Generally And Any Reference To News Articles Re: Subject Incident[113] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#7**) to Exclude Any Reference To Any Sunbeam Heater Or Product Outside The Quartz Line Of Heaters [114] (filed 6/9/14)

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Defendant Sunbeam Products, Inc.'s Motion in Limine (**#8**) to Exclude Evidence of Other Incidents Involving Sunbeam Heaters [115] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#9**) to Exclude Testimony Interpreting the State of Mind or Intentions of Sunbeam Engineers and Executives Based on Engineering Documents or Internal Memoranda [116] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#10**) to Exclude Alleged Hearsay Statements by Decedent Amy Shinedling [117] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#11**) to Exclude Prior, Irrelevant Matters Related to Dr. Kyle Boone, PH.D [118] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#12**) to Exclude Plaintiffs' Gross Medical Bills [119] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#13**) to Exclude Mention of Sunbeam Products or Component Parts Being Manufactured in China[120] (filed 6/9/14)

Defendant Sunbeam Products, Inc.'s Motion in Limine (**#14**) to Exclude Improper Evidence Concerning: Defendants' Financial Status; "Golden Rule" Arguments; and Evidence of Plaintiffs' Financial Hardship [121] (filed 6/9/14)

Cause called and counsel make their appearances. Court and counsel confer regarding motions in limine. The Court hears oral argument.

The Court rules on the motions in limine as follows:

- Plaintiff's Motion in Limine #1 is DENIED.
- Plaintiff's Motion in Limine #2 is DENIED.
- Plaintiff's Motion in Limine #3 is set for Daubert Hearing on 6/2/15 at 9:00 a.m.
- Plaintiff's Motion in Limine #4 is GRANTED IN SUBSTANTIAL PART.
- Plaintiff's Motion in Limine #5 is GRANTED IN SUBSTANTIAL PART.

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- Plaintiff's Motion in Limine #6 is GRANTED.
- Plaintiff's Motion in Limine #7 is GRANTED IN SUBSTANTIAL PART.
- Plaintiff's Motion in Limine #8 is GRANTED IN SUBSTANTIAL PART.
- Plaintiff's Motion in Limine #9 is DENIED.
- Plaintiff's Motion in Limine #10 is DENIED.
- Defendant's Motion in Limine #1 is set for Daubert Hearing on 6/2/15 at 9:00 a.m.
- Defendant's Motion in Limine #1A is DENIED.
- Defendant's Motion in Limine #2 is WITHDRAWN.
- Defendant's Motion in Limine #3 is DENIED.
- Defendant's Motion in Limine #4 is GRANTED.
- Defendant's Motion in Limine #5 is DENIED IN PART.
- Defendant's Motion in Limine #6 is DENIED IN PART.
- Defendant's Motion in Limine #7 is DENIED.
- Defendant's Motion in Limine #8 is DENIED.
- Defendant's Motion in Limine #9 is DENIED.
- Defendant's Motion in Limine #10 is DENIED.
- Defendant's Motion in Limine #11 is GRANTED IN PART.
- Defendant's Motion in Limine #12 is GRANTED.
- Defendant's Motion in Limine #13 is DENIED.
- Defendant's Motion in Limine #14 is GRANTED.

Daubert Hearing set for June 2, 2015 at 9:00 a.m. regarding Plaintiff's Motion in Limine #3 and Defendant's Motion in Limine #1.

Court and counsel confer regarding plaintiff's Ex Parte Application for an Order Continuing the Trial [244]. **The application is GRANTED**, as discussed on the record. The Court and counsel discussed the trial schedule.

The Court and counsel confer regarding defendant's Ex Parte Application to Extend Discovery Cut-Off [247]. **The application is GRANTED**, as agreed by counsel on the record.

Court and counsel discuss jury instructions. Counsel are to submit proposed jury instructions by the end of the day on May 27, 2015.

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Pretrial :10
Motions **2:26

 ** 2 : 36

Initials of
Preparer

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