

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

TRACY WHITE, Plaintiff, vs. STATE OF IOWA and IOWA DEPARTMENT OF HUMAN SERVICES, Defendants.	Case No. LACL146265 PLAINTIFF'S SECOND MOTION IN LIMINE
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COMES NOW the Plaintiff and requests that the following:

1. Sequestering Witnesses

Plaintiff understands that the upcoming trial will be available to watch over live video, both in the hallway of the courthouse and over the internet. Because the availability of this live feed, Plaintiff seeks the sequestering of all witnesses who have not yet testified in order to prevent later witnesses from tailoring his or her testimony to that of a prior witness and to assist the finder of fact in detecting unreliable testimony. *See, e.g.,* Fed. R. Evid. 615. Plaintiff also seeks the assurance of counsel that they will not allow witnesses who have not yet testified access to the video feed. Plaintiff's counsel will provide the same assurance.

2. Attorney Chandlor Collins and Witness Mary Collins

It is Plaintiff's counsel's understanding that Defendants' Attorney Chandlor Collins is the spouse of witness Mary Collins, a prior DHS employee who was called "eye candy" by another DHS employee. Plaintiff does not believe that either party plans to call Ms. Collins as a witness. However, assuming Plaintiff's understanding of the relationship between Mr. Collins and Ms. Collins is accurate, Plaintiff requests the Court prohibit comment, argument, evidence, or testimony concerning the relationship as it is irrelevant and may confuse or mislead the jury. *See* IOWA R. EVID. 5.403.

3. Tracy White's Prior Attorney

In Tracy White's medical records, there are references to Tracy disliking her attorney and wanting to retain a different attorney. This does not refer to the undersigned counsel; rather it is an attorney she had prior to engaging the undersigned. Defendants have agreed to redaction of Plaintiff's medical records to exclude these references. Plaintiff requests that there be no reference to Plaintiff's former attorney in any manner throughout the trial. Comments, argument, evidence, or testimony on this subject, would be irrelevant and confusing to the jury. Although there is no probative value, any such value would be substantially outweighed by the danger of prejudice. *See* IOWA R. EVID. 5.402, 5.403.

WHEREFORE, Plaintiff respectfully requests that the Court grant her Motion in Limine and prohibit Defendants, their attorneys, and witnesses from referencing the above subjects in front of the jury at any time during the trial, including testimony, voir dire, opening statements, and closing arguments.

/s/ Madison Fiedler Carlson
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