

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

DES MOINES CIVIL AND HUMAN
RIGHTS COMMISSION

Plaintiff,

v.

PATRICK KNUEVEN and
MARY KNUEVEN

Defendants.

No. EQCE084694

COMMISSION'S
MOTION IN LIMINE

NOW COMES the Des Mones Civil and Human Rights Commission and for this First Motion in Limine states:

1. Motions in limine can serve several purposes. One is to prevent references during *voir dire* examination and opening statements to incompetent, irrelevant, immaterial, or privileged evidence. Another purpose is to restrict counsel from asking questions or making statements and offering such matters until the admissibility of the questionable evidence can be determined during the course of the trial by presenting it to the court in the absence of the jury. The objective of the Motion is to control such matters in advance and thus avoid disclosing to the jury inadmissible prejudicial material. *See Twyford v. Weber*, 220 N.W.2d 919, 922-23 (Iowa 1974).

2. Motions in limine can also speed conduct of the trial by bringing disputed evidentiary issues to the Court prior to trial so that the Court need not interrupt trial to rule on matters.

3. The City asks that the Court grant its motion in limine on the following matters:

1. Settlement offers

4. All offers to settle claims prior to trial should be excluded as such evidence is precluded pursuant to Iowa Rule of Evidence 5.408.

2. Evidence not disclosed in discovery

5. The parties have conducted discovery regarding the facts and evidence available related to this case. The Iowa Rules of Civil Procedure are intended to prevent trial by ambush. As such, the Court should prohibit any party from introducing any evidence, documentary or testamentary, that was not disclosed in the discovery process.

Respectfully submitted,

/s/ Luke DeSmet
Luke DeSmet
Assistant City Attorney
400 Robert D. Ray Drive
Des Moines, IA 50309-1891
Telephone: (515) 283-4110
Facsimile: (515) 237-1748
E-Mail: lmdesmet@dmgov.org

/s/ Michelle Mackel-Wiederanders
Michelle Mackel-Wiederanders
Assistant City Attorney
400 Robert D. Ray Drive
Des Moines, IA 50309-1891
Telephone: (515) 283-4537
Facsimile: (515) 237-1748
E-Mail: MRMackel@dmgov.org
ATTORNEYS FOR THE CITY OF DES MOINES,
IOWA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 3, 2021, I electronically filed the foregoing with the Clerk of Court using the EDMS system, which will deliver notification and an electronic copy of the same to the recipients indicated on the EDMS service list pursuant to I.R.C.P. 16.317(1)(2).

/s/ Luke DeSmet