

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

Case No. 16-cv-2222

Magistrate Judge Long

PLAINTIFF EEOC'S MOTION IN LIMINE NO. 7

**MOTION TO EXCLUDE TESTIMONY ABOUT
VERACITY OF OTHER WITNESSES' TESTIMONY**

The EEOC moves for an order excluding all questions and evidence concerning whether one witness believes another witness's testimony is truthful. It is well-settled that questions eliciting such testimony are improper and inconsistent to the Federal Rules of Evidence. Credibility determinations are for the jury to make.

During depositions in this case, counsel to Rent-A-Center asked witnesses questions of the form, "If [witness] denies ever making disparaging remarks about you, would he just be lying?" or "if [another witness] says she has absolutely no clue what you are talking about, ... she would just be lying, won't she?"

Such questions are wholly improper. Seventh Circuit precedent makes clear that asking one witness to comment about the truthfulness of another witness's testimony is impermissible. "Because credibility questions are for the jury, it is improper to ask one witness to comment on the veracity of the testimony of another witness." U.S. v. Freitag, 230 F.3d 1019, 1024 (7th Cir.

2000); see also U.S. v. Nunez, 532 F.3d 645, 652 (7th Cir. 2008) (“[T]his circuit’s precedent makes clear that assessing the credibility of a witness’s testimony is the job of the jury....”). Moreover, the rules of evidence narrowly circumscribe the manner in which and extent to which a witness may permissibly testify about or opine about the credibility of another witness. See F.R.E. 608(a), 701.

WHEREFORE, the EEOC requests an order, *in limine*, to bar questions to and testimony or opinions from any witness concerning the truthfulness of another witness’s testimony.

December 15, 2017

Respectfully Submitted,

s/ Justin Mulaire
U.S. Equal Employment Opportunity Commission
33 Whitehall St., Fl. 5
New York, NY 10004
212-336-3744

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I caused the EEOC'S MOTION IN LIMINE NO. 7 to be served upon counsel to Defendant via the court's Electronic Case Filing system, pursuant to Local Rule 5.3(A).

December 15, 2017

Respectfully Submitted,

s/ Justin Mulaire
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