

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

IXL LEARNING, INC.,

Defendant.

Case No. [17-cv-02979-VC](#)

ORDER ON MOTIONS IN LIMINE

Re: Dkt. Nos. 90, 91, 92, 93, 94, 95

IXL's Motions in Limine

1. IXL's motion in limine 1 to exclude evidence of gender and disability discrimination and comments between Duane's co-workers is denied.

2. IXL's motion in limine 2 to exclude evidence of opposition activities aside from the Glassdoor post is granted. The listed activities are not admissible to establish distinct opposition events. The listed activities remain admissible to establish the reasonableness of Duane's alleged belief that he was opposing discrimination when he wrote the post.

3. IXL's motion in limine 3 to exclude the substance of Duane's conversations with an attorney prior to writing the Glassdoor post is granted. In addition, evidence as to the fact that Duane consulted with an attorney is inadmissible because it is not relevant. And even if it were marginally relevant it would be excluded under Rule 403.

4. IXL's motion in limine 4 to exclude evidence of developments at IXL that occurred after Duane was fired is granted in part. The motion is denied as to evidence that IXL did not investigate allegations of discrimination raised in Duane's post, but is granted as to other post-firing evidence the plaintiffs proffered at the pre-trial conference.

The EEOC's Motions in Limine

1. The EEOC's motion in limine 1 to exclude evidence of administrative proceedings is granted.

2. The EEOC's motion in limine 2 to exclude evidence relating to Nemo Curiel and the amount of time off Duane received is denied.

IT IS SO ORDERED.

Dated: October 16, 2018



VINCE CHHABRIA
United States District Judge