

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the matter of the Appeal of:) Hearing Examiner Files:
)
BAJA CONCRETE USA CORP., ROBERTO) No.: **LS-21-002**
CONTRERAS, NEWWAY FORMING INC.,) **LS-21-003**
and ANTONIO MACHADO) **LS-21-004**
)
)
from a Final Order of the Decision issued by)
the Director, Seattle Office of Labor Standards) **CITY OF SEATTLE’S MOTIONS IN**
) **LIMINE**
)
)
_____)

COMES NOW Respondents, the City of Seattle and the Seattle Office of Labor Standards
(collectively “City”) and presents its Motions in Limine in this matter.

I. MOTIONS IN LIMINE

A. The City respectfully moves to exclude any information regarding any arrest conviction, or criminal history information of the City’s witnesses. This information is irrelevant under Rules of Evidence (ER) 401 (“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence). According to ER 402 and Hearing Examiner Rule (HER) 2.17, evidence which is not relevant is not admissible.

1 **B.** The City moves to exclude all witnesses from the Courtroom except during their own
2 testimony pursuant to ER 615. ER 615 states, “at the request of a party, the court may order
3 witnesses excluded so that they cannot hear the testimony of other witnesses and it may make the
4 order of its own motion.” The City reserves the right to have one Office of Labor Standards
5 representative involved in the case remain during the trial.

6 **C.** The City moves for disclosure of character evidence of the City’s witnesses that appellants
7 may seek to introduce for impeachment purposes. The City is unaware of any impeachment
8 evidence as to any of its witnesses and moves for disclosure of any prior bad acts, misconduct,
9 reputation evidence or character evidence, or criminal history the appellants seek to introduce at
10 trial, whether under ER 404, ER 405, ER 608 or any other relevant rule. The City requests that the
11 Hearing Examiner require offers of proof related to any such evidence.

12 **D.** The City moves to exclude evidence of any of the City’s witnesses’ immigration status
13 pursuant to ER 413(b). ER 413(b) states “Evidence of a party’s or a witness’s immigration status
14 shall not be admissible unless immigration status is an essential fact to prove an element of a party’s
15 cause of action.”

16 **II. CONCLUSION**

17 The City respectfully requests that the Hearing Examiner grant the City’s motions and
18 exclude the requested information and exclude any non-party witnesses from being present during
19 others’ testimony.

20 ***[SIGNATURES ON THE FOLLOWING PAGE]***

1 DATED this 7th day of June 2023.

2 ANN DAVISON
3 Seattle City Attorney

4 By: /s/Lorna S. Sylvester

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14 *Attorneys for Respondents,*

15 *The City of Seattle and The Seattle Office of Labor*
16 *Standards*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify under penalty of perjury under the laws of the State of Washington that, on
3 this date, I caused to be served a true and correct copy of the foregoing document, **City of Seattle's**
4 **Motions in Limine** on the parties listed below and in the manner indicated:

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the foregoing being the last known addresses and email address of the above-named party
representatives.

Dated this 7th day of June, 2023, at Seattle, Washington.

/s/Natasha Iquina
NATASHA IQUINA