



forthcoming August 10 conference should signal whether any variant on that motion is appropriate, or whether instead the anticipated trial will resolve all of the issues without further motion practice.

As for Dkt. 348, the "second motion in limine" tendered by defendant Carl Suchocki ("Suchocki"), his effort to extricate himself from the trial via a pretrial dismissal is wholly without merit. Plaintiffs' comprehensive March 2, 2010 response to Suchocki's motion has provided chapter and verse demonstrating that a police record listing him at an unknown training site at the critical time at issue in this action cannot be treated as a dispositive fact, negating his involvement elsewhere at the time claimed by plaintiff James Ramirez. As plaintiffs' Response at 2 states succinctly:

The record contains plenty of documentary evidence that Defendants Suchocki and Finnigan repeatedly were engaged in illegal conduct on the job, when, on paper, they were supposed to be elsewhere.

Accordingly Suchocki's Dkt. 348 motion is denied. Like the other defendants, he must take his chances at trial (for which purpose, of course, the document on which he has sought to rely for dismissal can be offered in evidence as part of the grist for the jury's mill).



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Milton I. Shadur  
Senior United States District Judge

Date: July 21, 2010