

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BRIAN JAMES McNELIS and LESLIE
D. WHITE,

Plaintiffs,

v.

ADA COUNTY, GARY RANEY,
STEPHEN CRAIG, and JOSE DEL
RIO,

Defendants.

Case No. 1:12-cv-00007-CWD

ORDER

Contained within Plaintiff Brian McNelis's objection to Defendant Stephen Craig's exhibit list is an objection and request for sanctions. (Dkt. 225.) McNelis complains that Craig has used "blanket groupings" and provided insufficient detail to describe the exhibits Defendant intends to introduce at trial. McNelis asks for sanctions in the form of: (1) prohibiting amendment of the exhibit contents; and (2) exclusion of certain exhibits that were described improperly.

McNelis has been provided a binder full of exhibits by Craig's attorneys per this Court's order. (Dkt. 184, 230-1.) This will be the same binder lodged with the Court

unless amended in the days before trial.¹ How Craig's attorneys wish to group documents for presentation at trial, and to describe them on the exhibit list, are discretionary. That the names or descriptions given to the exhibits by defense counsel are not to McNelis's liking is not a proper objection. McNelis's objection is therefore frivolous, and the Court declines to consider the basis for the objection as grounds for exclusion of the exhibits. The objection is overruled.

Defendant has asked for sanctions in the form of attorney fees for time spent responding to McNelis's objection. The Court declines to award sanctions in the form of attorney fees. However, McNelis is reminded of the Court's inherent authority to sanction litigants who appear before it for conduct that unreasonably and vexatiously multiplies the proceedings, and for behavior constituting a willful abuse of the judicial process. *See* 28 U.S.C. § 1927; *Fink v. Gomez*, 239 F.3d 989, 991-92 (9th Cir. 2001).

All remaining objections raised by the parties to each other's exhibits and witnesses were discussed in this Court's Order on the motions in limine, or will be appropriately ruled upon at trial.



Dated: **April 23, 2015**


Honorable Candy W. Dale
United States Magistrate Judge

¹ If amended, the Court expects McNelis will be provided with an amended exhibit list.