

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWIN GONZALEZ, DONNA ANN MINOR,)
KARA PIETROWICZ and ALBERINA)
ZIEMBA,)

Plaintiffs,)

v.)

Civil Action No. 03-445-KAJ

COMCAST CORPORATION, a Pennsylvania)
corporation, COMCAST CABLEVISION OF)
WILLOW GROVE, a Pennsylvania)
corporation, COMCAST CABLE)
COMMUNICATIONS, INC., a Delaware)
corporation, SUZANE KEENAN, ALLEN R.)
PEDDRICK, RICHARD GERMANO, JAMES)
SULLIVAN, E. MARK CONNELL, DINA)
GALEOTAFIORE, AL CALHOUN, STEVE)
TREVISON, PHILIP ANNONE, JOHN)
MCGOWAN, VINCENT JOHNSON, and)
MICHAEL A. DOYLE,)

Defendants.)

MEMORANDUM ORDER

At the pretrial conference held in this matter on September 28, 2004, I reserved decision on the plaintiffs' motion *in limine* (the "Motion") seeking to prevent the defendants from eliciting evidence about or asking questions about prior employment discrimination disputes that Ms. Angela Wilson has had with other employers. (Docket Item ["D.I."] 211 at 15-16; 9/28/04 Transcript at 29-33.) I permitted the parties to provide supplemental submissions with respect to the Motion. Having reviewed those submissions and the parties' arguments submitted in connection with the pretrial conference, I have concluded that the Motion should be denied. Ms. Wilson's previous litigation history may be relevant as impeachment evidence both as to Ms. Wilson's

motive and purpose in testifying and as to the truthfulness of the assertions she makes about Comcast's behavior. I am not persuaded that the potential probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues to be presented to the jury, or the jury being misled. See Fed. R. Ev. 403. Nor am I persuaded that considerations of undue delay or waste of time warrant precluding the evidence. *Id.*

As noted with respect to my earlier decision to permit the plaintiffs to inquire into the circumstances surrounding the separation from employment of another Comcast employee, Mr. Edwards, I caution the parties to be circumspect in their use of such impeachment evidence, so as to avoid distracting the jury from the central issues in the case. (See 9/28/04 Transcript at 27-29.) My general ruling on the Motion is subject, of course, to further clarification and specification within the context of the evidence proffered or questions asked during the course of trial.

Accordingly, for the reasons set forth, it is hereby ORDERED that the Motion (D.I. 211 at 15-16) is DENIED.

Kent A. Jordan

UNITED STATES DISTRICT JUDGE

October 19, 2004
Wilmington, Delaware