

NOT TO BE DISCLOSED TO ANY JURORS

Ruling on KPCB's request for reconsideration of my earlier ruling on Ms. Pao's motion in limine number 2.

Denied on grounds of: 1) lack of relevance; 2) any relevance the proffered evidence has is substantially outweighed by the substantial danger of undue prejudice to Ms. Pao and confusion of issues as well as undue consumption of time; and 3) the proffered evidence is protected by Ms. Pao's and Mr. Fletcher's rights of privacy and those rights substantially outweigh any relevance of the evidence. There is scant law on this issue. I agree with the observation of a Tennessee federal district court judge who, in an unpublished opinion granting a motion to exclude the bankruptcy filings of an EEOC claimant, stated that "it seems beyond dispute that a person who stands to gain financially has a motive to sue, whether or not they are in financial distress." (*EEOC v. New Breed Logistics* (W.D. TN 2013) 2013 WL 10129246). To permit KPCB to explore whether there is any additional incremental financial motive by Ms. Pao to sue (or, more accurately, to not tell the truth about facts relevant to her claims) due to the asserted financial distress of her husband is unlikely to assist the jury in reaching the decisions it is required to decide, would likely create an unseemly sideshow, and would greatly intrude on the privacy of both Ms. Pao and Mr. Fletcher.

Judge Kahn
March 11, 2014
8:22pm