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LOUISVILLE METRO COUNCIL

COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO GOVERNMENT
JEFFERSON COUNTY KENTUCKY

**IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON**

**CHARGING COMMITTEE'S MOTION IN LIMINE
TO EXCLUDE EVIDENCE OF ALLEGED BIAS
OF LOUISVILLE METRO COUNCIL MEMBERS**

Comes the Charging Committee, by counsel, and based on Respondent's Response to Complaint filed August, 24, 2017, has reason to believe that the Respondent Councilman Dan Johnson will introduce evidence that one or more members of the Louisville Metro Council are biased against Respondent. The introduction of such evidence will be irrelevant and it will only serve to divert, deflect and mislead the Council Court in determining the validity of the charges filed.

The bias of a member of a legislative body is not sufficient to prevent their action on charges against another member. Removal is a legislative decision, and legislators are understood to have opinions susceptible to change after the presentation of facts and deliberation with colleagues. It is legally sufficient that each council member will take an oath that the member will "hear the evidence and render a decision on the merits of the Removal Charges preferred by the charging Committee." Thus the issue of whether one or more council members are biased is irrelevant to the proceedings.

Respondent must bear the burden to prove, prior to the hearing, the relevancy and necessity of any proposed evidence of bias.

The Charging Committee respectfully requests that such testimony of alleged bias be excluded and the Respondent be prohibited from introducing it.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Deborah Kent", written over a horizontal line.

Deborah Kent, Counsel
Charging Committee

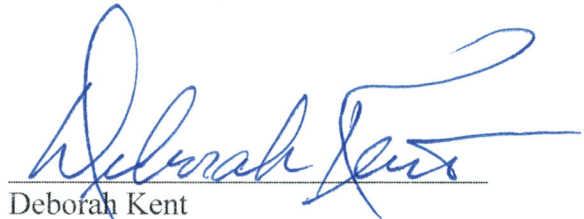
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was sent via email to the following on
October 18, 2017:

Hon. Stephen Ott
Metro Council Clerk
601 W. Jefferson St.
Louisville, Ky. 40202

Hon Mike O'Connell
Jefferson County Attorney
600 W. Jefferson St.
Louisville, Ky. 40202

Hon. Thomas McAdam
2950 Breckenridge Lane Ste 9
Louisville, Ky. 40220
Counsel for Respondent

A handwritten signature in blue ink, appearing to read "Deborah Kent", written over a horizontal line.

Deborah Kent

**IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON**

ORDER EXCLUDING ALL EVIDENCE OF ALLEGED BIAS

Comes the Charging Committee by counsel and offers the following Order to Exclude evidence of alleged bias;

1. The parties are prohibited from introducing testimony, evidence and exhibits of alleged bias of any Louisville Metro Council member toward Respondent or Charging Committee members. Such testimony, evidence and exhibits will unduly delay the proceedings and distract from hearing of the charges.
2. The parties are further ordered to advise those testifying to avoid any direct or indirect testimony of alleged bias by witnesses during their testimony.
3. If either party wishes to introduce such testimony, evidence or exhibits of bias it shall be filed prior to the hearing and ruled on.

IT IS SO ORDERED

President David Yates
Chair, Metro Council Court