

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

HEARTS WITH HAITI, INC. and)
MICHAEL GEILENFELD,)

Plaintiffs,)

v.)

2:13-cv-00039-JAW

PAUL KENDRICK,)

Defendant.)

**ORDER ON DEFENDANT’S MOTION IN LIMINE TO EXCLUDE
REFERENCES OR TESTIMONY CONCERNING
SANCTIONS OR CONTEMPT**

The Court has found Paul Kendrick, the Defendant in this case, to have violated court orders on several occasions, leading to the impositions of sanctions. *See Order on Consolidated Mot. for Sanctions* (ECF No. 293) (recounting the Defendant’s history of violations and sanctioning him for violating the Court’s Confidentiality Orders). In anticipation of trial, on June 12, 2015, the Defendant moved in limine to exclude “any reference or testimony in the presence of the jury to or concerning any pending or decided motion for sanctions or contempt against” him on the ground that the evidence is inadmissible under Rules 401 and 403. *Def.’s Mot. in Limine to Exclude References or Test. Concerning Sanctions or Contempt* at 1 (ECF No. 360). The Plaintiffs responded in opposition on June 24, 2015. *Pls.’ Opp’n to Def.’s Mot. in Limine to Exclude References or Test. Concerning Sanctions or Contempt* (ECF No. 401). The Plaintiffs agree with the Defendant except for one sanctions order they wish to reserve the right to reference during trial that prevents the Defendant “from

contesting at trial the plaintiffs' contention that every email on the spreadsheet attached to the Defendant's Proposed Stipulation Regarding Bcc Emails, dated September 5, 2014, was blind copied to more than 500 individual and institutional benefactors of [Plaintiffs]." *Id.* at 1 (quoting *Report of Hearing and Order Re: Disc. Disputes and Pending Mots.* at 3 (ECF No. 244) (*Sanctions Order*)). In Plaintiffs' view, the Sanctions Order "is relevant to a host of issues in this case including the elements of plaintiffs['] tort claims . . . and damages Plaintiffs must be able to reference the sanctions order and any supplement thereto within their case-in-chief." *Id.*

The Court recently issued an order granting in part Plaintiffs' Motion to Supplement Order of ECF No. 244 (ECF No. 366):

To the extent the Plaintiffs are seeking an instruction for emails attached to their motion, which are admitted into evidence at trial, that the Defendant blind copied those emails to at least 500 individual and institutional benefactors of Hearts With Haiti, Inc., Michael Geilenfeld, and/or St. Josephs Family of Haiti, the Court GRANTS the motion, assuming that the Plaintiffs have established that the admitted emails bear the same characteristics as the emails listed in the spreadsheet referred to in the September 5, 2014 Order.

Order on Mot. to Supplement Order of ECF No. 244 at 6 (ECF No. 414). Once again, in accordance with this most recent Order, if Plaintiffs establish at trial that the emails are admissible and if those emails bear the same characteristics as the emails listed in the spreadsheet referred to in the Sanctions Order, Mr. Kendrick will be prevented from disputing that he blind copied those emails to at least 500 individual benefactors of Hearts With Haiti, Inc., Michael Geilenfeld, and/or St. Josephs Family of Haiti.

The Court GRANTS in part and DENIES in part Defendant's Motion in Limine to Exclude References or Testimony Concerning Sanctions or Contempt (ECF No. 360). To the extent Mr. Kendrick seeks to contest at trial that admitted emails bearing the same characteristics in the spreadsheet referred to in ECF No. 244 were blind copied to at least 500 individual benefactors of Hearts With Haiti, Inc., Michael Geilenfeld, and/or St. Josephs Family of Haiti, the Court DENIES the motion. To the extent Mr. Kendrick seeks exclusion of sanction motions and orders other than ECF No. 244, because the Plaintiffs do not object, the Court GRANTS the motion.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 30th day of June, 2015

Plaintiff

HEARTS WITH HAITI INC

represented by **PETER J. DETROY , III**
NORMAN, HANSON & DETROY
415 CONGRESS STREET
P. O. BOX 4600 DTS
PORTLAND, ME 04112
774-7000
Email: pdetroy@nhdlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT F. OBERKOETTER
LAW OFFICE OF ROBERT F.
OBERKOETTER
P.O. BOX 77
RUSSELLS MILLS, MA 02714
(508) 961-0077
Email: baro@comcast.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RUSSELL PIERCE
NORMAN, HANSON & DETROY
415 CONGRESS STREET
P. O. BOX 4600 DTS
PORTLAND, ME 04112
774-7000
Email: rpierce@nhdlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DEVIN W. DEANE
NORMAN, HANSON & DETROY
415 CONGRESS STREET
P. O. BOX 4600
PORTLAND, ME 04112
207-774-7000
Email: ddeane@nhdlaw.com
ATTORNEY TO BE NOTICED

KELLY M. HOFFMAN
NORMAN, HANSON & DETROY
TWO CANAL PLAZA
P. O. BOX 4600
PORTLAND, ME 04112
(207) 774-7000
Fax: (207) 775-0806
Email: khoffman@nhdlaw.com
ATTORNEY TO BE NOTICED

ROBERT P. CUMMINS
NORMAN, HANSON & DETROY
TWO CANAL PLAZA
P. O. BOX 4600
PORTLAND, ME 04112
207-774-7000
Email: rcummins@nhdlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

MICHAEL GEILENFELD
*Individually and in his capacity as
Executive Director of St Joseph
Family of Haiti on behalf of St
Joseph Family of Haiti and its*

represented by **PETER J. DETROY , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

*residents (per Order #84 acting in
Individual Capacity Only)*

ROBERT F. OBERKOETTER
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RUSSELL PIERCE
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DEVIN W. DEANE
(See above for address)
ATTORNEY TO BE NOTICED

KELLY M. HOFFMAN
(See above for address)
ATTORNEY TO BE NOTICED

ROBERT P. CUMMINS
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

PAUL KENDRICK

represented by **BRENT A. SINGER**
RUDMAN & WINCHELL
84 HARLOW STREET
P.O. BOX 1401
BANGOR, ME 04401
(207) 947-4501
Email: bsinger@rudman-
winchell.com
ATTORNEY TO BE NOTICED

COLIN E. HOWARD
RUDMAN & WINCHELL
84 HARLOW STREET
P.O. BOX 1401
BANGOR, ME 04401
(207) 947-4501
Email:
choward@rudmanwinchell.com
TERMINATED: 04/28/2014
ATTORNEY TO BE NOTICED

DAVID C. KING
RUDMAN & WINCHELL
84 HARLOW STREET
P.O. BOX 1401
BANGOR, ME 04401
(207) 947-4501
Email: dking@rudman-winchell.com
ATTORNEY TO BE NOTICED

F. DAVID WALKER , IV
RUDMAN & WINCHELL
84 HARLOW STREET
P.O. BOX 1401
BANGOR, ME 04401
207-947-4501
Email:
dwalker@rudmanwinchell.com
ATTORNEY TO BE NOTICED

MATTHEW M. COBB
RUDMAN & WINCHELL
84 HARLOW STREET
P.O. BOX 1401
BANGOR, ME 04401
(207) 947-4501
Email: mcobb@rudmanwinchell.com
ATTORNEY TO BE NOTICED