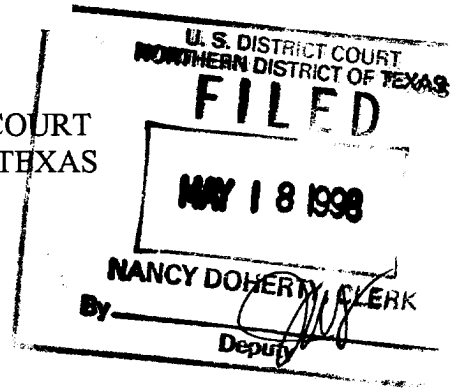


MAY 18 1998

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

THE COOPER AEROBICS CENTER,
THE COOPER INSTITUTE FOR
AEROBICS RESEARCH and
COOPER AEROBICS ENTERPRISES,

Defendants.

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CIVIL ACTION NO.
3:97 CV 1690-BC

(JURY DEMANDED)

ORDER ON DEFENDANT'S MOTION IN LIMINE

On May 15, 1998, the parties presented argument on the Defendant The Cooper Institute for Aerobics Research's Motion in Limine and Supplemental Motion in Limine, and the Court rules as follows:

1. EVIDENCE RELATING TO COMMUNICATIONS BY THE PARTIES WITH THE TEXAS WORKFORCE COMMISSION ("TWC").

The Court has taken this matter under advisement and until any further ruling, the motion is granted.

2. EVIDENCE OF THE DETERMINATION BY THE EEOC OF AUSTEN'S CHARGE AND FAILURE OF CONCILIATION.

Due to the parties' stipulation that all procedural requirements for the EEOC to bring this action have been met, the introduction of these matters is irrelevant, and the Motion in Limine is granted.

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3. TESTIMONY FROM EXPERTS WHO WERE NOT DESIGNATED IN COMPLIANCE WITH THE SCHEDULING ORDER.

Experts not named by any party during discovery or under Fed. R. Civ. Proc. 26 are excluded, including Dr. Bluntzer.

4. FACT WITNESSES NOT IDENTIFIED IN DISCOVERY.

Witnesses Terry Error, Nora Johnson, Sheila Burford, Meredith Walsh, and Leah Dillingham may not testify, and the Motion in Limine is granted with regard to these witnesses or fact other witnesses not identified in discovery responses.

5. EVIDENCE OF ANY ALLEGED CHARGES OF DISCRIMINATION OR DISCRIMINATION COMPLAINTS AGAINST ANY ENTITY OTHER THAN THE COOPER INSTITUTE FOR AEROBICS RESEARCH.

Evidence regarding charges of discrimination or the complaint by Katherine Maxwell against entities other than the Cooper Institute for Aerobics Research may not be introduced or presented until the parties have obtained a ruling from this Court outside the presence of the jury.

6. DOCUMENTS NOT PROVIDED DURING DISCOVERY.

The parties are to exchange exhibits before Monday, May 18, 1998, in order to confer regarding whether any of the exhibits not previously provided by the Intervenor may be agreed to before trial.

7. EVIDENCE OF ALLEGED HARASSMENT PRIOR TO APRIL 8, 1996.

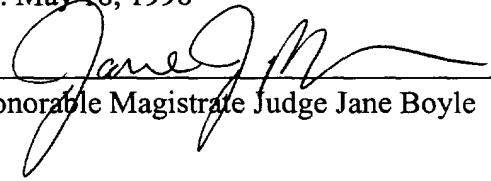
The Court will allow evidence of events predating April 8, 1996, but not for the purpose of proving events for which there is a legal consequence and damages, and Defendant may request a limiting instruction to the jury at the time any such evidence is introduced.

It is THEREFORE ORDERED that Counsel shall caution all witnesses against intentionally or inadvertently referring to the subject matters referenced above for which the Motion is granted

or for subjects under advisement, and that Counsel, the parties and witnesses shall refrain from referring to any such matters in the presence of the jury or during voir dire.

IT IS SO ORDERED.

Signed: May 18, 1998



The Honorable Magistrate Judge Jane Boyle

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