

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Raymond Richard Whittall v. J. Caballero, et al.

Whittall v. Caballero · No. 18-cv-01376-CRB · Decided August 11, 2025

SUMMARY

The United States District Court for the Northern District of California denied Plaintiff Raymond Richard Whittall’s motion for a new trial following a jury verdict finding the defendants not liable in an excessive-force case. The court held that excluding evidence from Lieutenant Mireles under Federal Rule of Evidence 403 was proper and that any prejudice from excluding deposition testimony for impeachment was not substantial.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Charles R. Breyer
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 11, 2025
DOCKET	18-cv-01376-CRB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a new trial under Federal Rule of Civil Procedure 59(a)(1)(A) after a jury found all defendants not liable in an excessive-force action.
STANDARD OF REVIEW	A new trial may be granted for erroneous evidentiary rulings only when the ruling caused substantial prejudice to the moving party.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation or stated precedential designation.
PARTIES	Raymond Richard Whittall v. J. Caballero, et al.

TOPICS

- motion for new trial
- evidence
- impeachment
- civil rights
- police misconduct

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether exclusion of Lieutenant Mireles's report and testimony constituted erroneous evidentiary rulings causing substantial prejudice warranting a new trial.
2. Whether exclusion of Caballero's deposition testimony as impeachment evidence constituted erroneous evidentiary ruling causing substantial prejudice warranting a new trial.

HOLDINGS

1. The exclusion of Lieutenant Mireles's report and testimony did not warrant a new trial because the evidence had limited probative value, posed a substantial risk of confusing the issues and wasting time, and its exclusion under Federal Rule of Evidence 403 was proper.
2. The exclusion of Caballero's deposition testimony did not warrant a new trial because the deposition and trial testimony were not materially inconsistent, and any prejudice from excluding the deposition testimony was minimal rather than substantial.

KEY QUOTATIONS

"This includes erroneous evidentiary rulings if, and only if, the ruling caused substantial prejudice to the moving party." (at 1)

"But this parses Caballero's testimony too finely." (at 3)

FACTUAL BACKGROUND

The action involved allegations that defendants used excessive force against Whitall on February 28, 2017. Before trial, the court excluded a report and testimony from Lieutenant Mireles concerning his initial review of the allegations and recommendation that the matter be investigated by Internal Affairs. During trial, the court also refused to permit Whitall to impeach J. Caballero with deposition testimony concerning what officers discussed before preparing an incident report. The jury found defendants not liable on all counts.

PROCEDURAL HISTORY

The court held a jury trial in June 2025 concerning alleged excessive force. The jury found all defendants not liable on all counts, and the court entered judgment for defendants. Plaintiff moved for a new trial, challenging the exclusion of Lieutenant Mireles's evidence and the exclusion of deposition testimony offered to impeach J. Caballero. The court denied the motion.

DISPOSITION

other

CASES CITED

- *Ruvalcaba v. City of Los Angeles*, 64 F.3d 1323, 1328 (9th Cir. 1995)

- In re Ford Motor Co. DPS6 Powershift Transmission Prods. Liab. Litig., No. ML 18-2814-AB, 2019 WL 7185548, at *3 (C.D. Cal. Dec. 9, 2019)
- Duran v. City of Maywood, 221 F.3d 1127, 1133 (9th Cir. 2000)
- United States v. Shuemaker, 124 F.4th 1174, 1177 (9th Cir. 2024)

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