

SUPREME COURT OF WYOMING

Michael R. Capshaw v. WERCS

Capshaw v. WERCS, 28 P.3d 855 (Wyo. 2001) · No. No. 00-329 · Decided August 8, 2001

SUMMARY

The Supreme Court of Wyoming reviewed a writ petition challenging a district court order barring evidence and argument concerning alleged mismanagement by the employer. The court held that the order effectively prevented the employee from presenting his theory that his termination was pretextual and therefore constituted an abuse of discretion. The order was reversed and the case was remanded.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Justice; Lehman, C.J.; Golden, J.; Hill, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	August 8, 2001
DOCKET	No. 00-329
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Capshaw petitioned for review of a district court order granting WERCS's motion in limine and barring him from referring to or presenting evidence concerning alleged mismanagement. The Wyoming Supreme Court granted the petition and reviewed the evidentiary ruling.
STANDARD OF REVIEW	Evidentiary rulings and rulings on motions in limine are reviewed for abuse of discretion. The court asks whether the district court could reasonably conclude as it did and whether any aspect of the ruling was arbitrary or capricious.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Michael R. Capshaw v. WERCS, a Wyoming corporation, d/b/a Wyoming Financial Group

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by granting a motion in limine that barred Capshaw from mentioning or presenting evidence concerning his allegations of WERCS's mismanagement.
2. Whether the motion-in-limine order materially prejudiced Capshaw by preventing him from presenting the evidence central to his pretextual-discharge and breach-of-contract theories.
3. Whether the appellate court could review the motion-in-limine ruling before trial.

HOLDINGS

1. The district court abused its discretion by categorically excluding evidence concerning WERCS's alleged mismanagement because the evidence was relevant to whether Capshaw had a good-faith basis for criticizing management and whether WERCS's stated reasons for terminating him were pretextual.
2. The trial court may control the amount and presentation of relevant evidence, including excluding cumulative or confusing evidence, but it may not categorically prevent the parties from presenting sufficient admissible evidence bearing on whether Capshaw had a good-faith basis for criticizing WERCS's management.
3. The signed written order controls over a prior oral order when the written order has been entered.

KEY QUOTATIONS

“A party should be allowed an appropriate opportunity to present and develop that evidence relevant to that party's theory of the case.” (28 P.3d at 858)

“The verdict will be all but preordained if Mr. Capshaw is prevented from presenting evidence that the reasons given by his employer for his firing were only pretext.” (28 P.3d at 858)

“We are not saying the court must allow any and all evidence the parties offer on the subject of mismanagement, but it must allow sufficient, admissible evidence to permit them to argue to the jury that Mr. Capshaw either did or did not have a good faith basis to criticize management.” (28 P.3d at 858-59)

FACTUAL BACKGROUND

Capshaw was hired by WERCS in 1995 as a manager and ultimately became president of a WERCS subsidiary. WERCS terminated him in June 1998, asserting among other reasons that he had engaged in a campaign to discredit management, while Capshaw contended that he was terminable only for cause and that the stated reasons were pretextual responses to his good-faith criticism of management. WERCS's counterclaim also placed Capshaw's alleged disparaging statements about mismanagement, corporate spending, and possible theft at issue. The district court barred Capshaw from presenting evidence about mismanagement, effectively preventing him from proving that his criticism was justified and that WERCS's stated termination reasons were pretextual.

PROCEDURAL HISTORY

Capshaw sued WERCS after his termination, asserting breach of express employment contract, promissory estoppel, breach of the implied covenant of good faith and fair dealing, retaliatory discharge in violation of public policy, and wasting of corporate assets. The district court granted WERCS partial summary judgment, leaving breach-of-contract, promissory-estoppel, and counterclaim issues for trial. Before trial, the district court entered an order precluding Capshaw from mentioning or presenting testimony about WERCS's alleged mismanagement. The Supreme Court reversed that order and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the order granting the motion in limine and conduct further proceedings consistent with the decision. The district court may limit cumulative or confusing evidence and control the length and presentation of trial, but must allow sufficient admissible evidence for the parties to litigate whether Capshaw had a good-faith basis for criticizing management.

CASES CITED

- Lindsey v. State, 725 P.2d 649, 654 (Wyo. 1986)
- Robinson v. State, 11 P.3d 361, 367 (Wyo. 2000), cert. denied, 121 S. Ct. 1620 (2001)
- Duran v. State, 990 P.2d 1005, 1011 (Wyo. 1999)
- Solis v. State, 981 P.2d 34, 36 (Wyo. 1999)
- Betts v. Crawford, 965 P.2d 680, 685 (Wyo. 1998)
- Brown v. Michael Pryor, M.D., P.C., 954 P.2d 1349, 1350 (Wyo. 1998)
- Wilder v. Cody Country Chamber of Commerce, 933 P.2d 1098, 1107 (Wyo. 1997)
- Tennant v. State, 786 P.2d 339, 342 (Wyo. 1990)
- Vaughn v. State, 962 P.2d 149, 151 (Wyo. 1998)
- Byerly v. Madsen, 41 Wash. App. 495, 704 P.2d 1236, 1238 (1985)
- Basolo v. Basolo, 907 P.2d 348, 353 (Wyo. 1995)
- Carlton v. Carlton, 997 P.2d 1028, 1031 (Wyo. 2000)
- Young v. HAC, LLC, 2001 WY 50, 24 P.3d 1142, ¶ 6 (Wyo. 2001)
- McAteer v. Stewart, 696 P.2d 72 (Wyo. 1985)
- Wheatland Cold Storage and Meat Processing, Inc. v. Wilkins, 705 P.2d 316, 319 (Wyo. 1985)
- Weisbrod v. Ely, 767 P.2d 171, 177 (Wyo. 1989)
- Stauffer Chemical Company v. Curry, 778 P.2d 1083, 1098 (Wyo. 1989)
- Toussaint v. Blue Cross & Blue Shield of Michigan, 408 Mich. 579, 292 N.W.2d 880, 896 (1980)
- Worley v. Wyoming Bottling Company, Inc., 1 P.3d 615, 623 (Wyo. 2000)

- Hall v. Hall, 708 P.2d 416, 421 (Wyo. 1985)
- Hamling v. United States, 418 U.S. 87, 125 (1974)
- Kobos By and Through Kobos v. Everts, 768 P.2d 534, 546 (Wyo. 1989)
- Winterholler v. Zolessi, 989 P.2d 621, 629 (Wyo. 1999)
- Ormsby v. Dana Kepner Co. of Wyo. Inc., 997 P.2d 465 (Wyo. 2000)

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