

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Grant Stitsworth v. Forest River, Inc.

Stitsworth · No. 3:23-CV-179-CCB · Decided December 16, 2025

SUMMARY

The court rules on the parties’ motions in limine in a USERRA reemployment dispute involving Grant Stitsworth and Forest River, Inc. It grants, denies, or conditionally grants the motions concerning hearsay statements, witness exclusion, testimony about reemployment efforts, evidence of Forest River’s military friendliness, military-related testimony, and specified exhibits. The court emphasizes that the rulings are preliminary and may be revised during trial.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	December 16, 2025
DOCKET	3:23-CV-179-CCB
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving the parties' pretrial motions in limine before trial in a USERRA reemployment action.
STANDARD OF REVIEW	The court has broad discretion to rule on motions in limine. Evidence should ordinarily be evaluated at trial in context, and a court should exclude evidence in limine only when it is clearly inadmissible on all potential grounds. An in-limine ruling is preliminary and may be revised at trial.
PRECEDENTIAL VALUE	Unpublished district court opinion and pretrial evidentiary order; persuasive authority only.

TOPICS

- motion in limine
- evidence
- hearsay
- relevance
- military law

PRACTICE AREAS

evidence

employment law

military law

civil procedure

QUESTIONS PRESENTED

1. Whether alleged statements by an unidentified person at Forest River's Plant 501 should be excluded as hearsay.
2. Whether nonparty witnesses should be excluded from the courtroom, including whether Forest River's corporate representative should remain present.
3. Whether testimony by Forest River witnesses about what Stitsworth did or did not do when seeking reemployment should be barred under the personal-knowledge, lay-opinion, relevance, or unfair-prejudice rules.
4. Whether testimony and exhibits portraying Forest River as military-friendly or veteran-friendly, including evidence concerning another employee's military leave and an employer award, should be excluded as irrelevant, hearsay, or unfairly prejudicial.
5. Whether evidence that witnesses or their relatives served in the military should be excluded as irrelevant and confusing in a USERRA reemployment action.

HOLDINGS

1. The motion to exclude the alleged statements was granted to the extent the evidence constituted hearsay inadmissible under Federal Rule of Evidence 802, but the statements were not categorically barred because they could potentially be admitted under an exception in Rules 803, 804, or 807.
2. The request to exclude nonparty witnesses was granted, except that Forest River's corporate representative, David Besinger, could remain in the courtroom and testify.
3. The motion to preclude such testimony was denied. Rules 602 and 701 may bar a witness from speculating about conduct the witness did not observe, but they do not categorically bar testimony, within a witness's personal knowledge, that Stitsworth did not speak with that witness.
4. Testimony that Forest River was military-friendly or veteran-friendly was excluded. Such evidence was not probative of the triable USERRA issues and created a risk of confusing or unfairly influencing the jury.
5. Exhibit L, a patriotic-employer award, and Exhibit O, an email concerning another employee's military leave, were excluded under Rule 403. Exhibits M and N, personnel notices concerning another employee's military leave and return, were not categorically excluded.
6. The motion to exclude such evidence was granted because a witness's or relative's military service did not make it more or less likely that the witness willfully violated Section 4312 and risked confusing the jury.

KEY QUOTATIONS

“The Court thus excludes evidence in limine only when it is “clearly inadmissible on all potential grounds.””

“A willful violation of USERRA may be established without proof of discriminatory motivation.”

FACTUAL BACKGROUND

Grant Stitsworth brought a claim under USERRA alleging that Forest River failed to reemploy him after his military service. Stitsworth allegedly visited Forest River's Plant 501 on July 5 or 6, 2021, and spoke with an unidentified person who purportedly told him that he had been terminated and that it was too late to provide orders for his time at service. The pretrial evidentiary disputes concerned those statements, testimony about Stitsworth's efforts to seek reemployment, and evidence concerning Forest River's treatment of military service and other employees.

PROCEDURAL HISTORY

The parties filed separate motions in limine on September 9, 2025. Following a November 12, 2025, scheduling conference, the court decided to resolve the motions based on the briefing. The court granted some motions, denied others, and stated that the rulings remained preliminary and subject to revision at trial.

DISPOSITION

other

CASES CITED

- Jenkins v. Chrysler Motors Corp., 316 F.3d 663, 664 (7th Cir. 2002)
- Luce v. United States, 469 U.S. 38, 41 n.4, 41-42 (1984)
- United States v. Jackson, 535 F. Supp. 3d 809, 813 (N.D. Ind. 2021)
- Farfaras v. Citizens Bank & Trust, 433 F.3d 558, 565 (7th Cir. 2006)
- Mace v. Willis, 259 F. Supp. 3d 1007, 1017, 1022 (D.S.D. 2017)
- Francis v. Booz, Allen & Hamilton, 452 F.3d 299, 304 (4th Cir. 2006)