

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	
AMIR A. BAJOGHLI, M.D.,)	Case No. 1:14-cr-278 (GBL)
)	
Defendant.)	

ORDER

THIS MATTER is before the Court on Defendant’s Motion in Limine Seeking Corrective Witness Instructions for Certain Patient Witnesses (Doc. 43), Defendant’s Motion in Limine to Exclude Irrelevant and Unfairly Prejudicial Evidence (Doc. 45), the Government’s Motion in Limine to Treat Janice Rasmussen as a Hostile Witness (Doc. 56), and Defendant’s Motion in Limine to Exclude 404(b) Evidence (Doc. 65). Having reviewed the pleadings, it is hereby

ORDERED that Defendant’s Motion in Limine Seeking Corrective Witness Instructions for Certain Patient Witnesses (Doc. 43) is **GRANTED**. The Court will provide those fact witnesses who received the Government’s victim impact statement, but who are not victims of the crimes alleged, with a letter addressing their status and role in the proceeding (Exhibit A). The Government is further directed to provide each witness with the letter, without comment forthwith, but no later than one hour prior to the witness testifying. It is further

ORDERED that the Defendant’s Motion in Limine to Exclude Irrelevant and Unfairly Prejudicial Evidence (Doc. 45) is **GRANTED IN PART** and **DENIED IN PART**. Specifically,

1. Lay witness testimony regarding the legality of suturing by medical assistant or the appropriate diagnosis and treatment of any patient is inadmissible, because such testimony concerning a lay witnesses’ understanding of whether a license is

required to perform certain medical procedures is a legal opinion which is beyond the lay witnesses' competence because the lay witnesses' understanding is what the witness was told by a third party, which is hearsay and a legal opinion;

2. Lay witness testimony regarding ones understanding of the medical procedures they were licensed and permitted to perform is inadmissible;
3. Lay witness testimony by an employee who performed suturing is admissible;
4. Lay witness testimony regarding an employee's training, experience, and qualifications is admissible;
5. Any evidence of affirmative misrepresentations allegedly made by the Defendant to patients about medical assistants' qualifications is limited to the specific charges presented in the indictment but is admissible;
6. Employees' testimony as to Defendant disregarding their concerns about feeling unqualified to perform certain procedures is admissible but is limited to the those specific cases charged in the indictment;
7. Lay witness testimony concerning conversations Defendant had with a specific witness is admissible to prove knowledge, intent, and lack of good faith.
8. Expert testimony as to the general standard for diagnosing and treating particular skin conditions, specifically as it relates to Mohs patients is admissible, but the testimony must be stated as an opinion held by the expert to a reasonable degree of medical certainty for a practitioner practicing in the field;
9. Expert testimony regarding personal preferences is inadmissible; and
10. All testimony is further limited to the 53 charges of the indictment.

It is further

