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Case No. _____

_____,

Plaintiff,

v.

_____,

Defendant.

**DEFENDANT’S MOTION IN LIMINE TO EXCLUDE PREJUDICIAL AND
INADMISSIBLE EVIDENCE**

Defendant, _____, by and through undersigned counsel, hereby moves
this Court for an Order in Limine to exclude certain highly prejudicial, irrelevant, and
inadmissible evidence, testimony, arguments, or references from the trial of this matter.

In support of this Motion, Defendant respectfully states as follows:

I. INTRODUCTION

1. This matter is scheduled for trial to begin on _____.

2. To ensure a fair trial and to prevent the jury from being exposed to highly prejudicial, irrelevant, and otherwise inadmissible matters, Defendant seeks an advance ruling excluding specific evidence and references detailed below.

3. Permitting the introduction of, or reference to, these matters at trial would cause incurable prejudice to Defendant, confuse the issues, mislead the jury, and violate the rules of evidence.

II. IDENTIFICATION OF CHALLENGED MATERIAL AND LEGAL GROUNDS

4. **Challenged Material:** Defendant seeks to exclude any evidence, testimony, questioning, or reference regarding _____.

5. **Legal Grounds for Exclusion:** This material must be excluded pursuant to [cite specific rules of evidence, e.g., Rule 402 (relevance), Rule 403 (unfair prejudice), or Rule 404 (character evidence)]. Specifically, the challenged material is:

- a. Irrelevant to any issue properly before the jury in this action;
- b. Highly prejudicial, such that its probative value, if any, is substantially outweighed by the danger of unfair prejudice, confusing the issues, or misleading the jury; and
- c. _____.

6. **Supporting Facts:** [Describe the factual context of the challenged evidence and why it is prejudicial, e.g., "The plaintiff seeks to introduce evidence of a prior unrelated incident that occurred five years ago, which has no bearing on the current dispute and serves only to inflame the jury."].

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3 **III. ARGUMENT**
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5 7. The primary purpose of a motion in limine is to exclude irrelevant, inadmissible, and highly
6 prejudicial evidence before it is offered or referred to in the presence of the jury.
7

8 8. Under the applicable rules of evidence, relevant evidence is generally admissible, but
9 evidence which is not relevant is strictly inadmissible. Here, the challenged material does not
10 tend to make any fact of consequence to the determination of this action more or less probable
11 than it would be without the evidence.
12

13 9. Even if the court finds any minimal relevance, the rules of evidence mandate the exclusion of
14 relevant evidence if its probative value is substantially outweighed by the danger of unfair
15 prejudice. Unfair prejudice means an undue tendency to suggest a decision on an improper
16 basis, commonly, though not necessarily, an emotional one.
17

18 10. If Plaintiff's counsel or witnesses are permitted to mention, refer to, or attempt to introduce
19 the challenged material in the presence of the jury, the harm will be instantaneous and
20 incurable. A curative instruction would be insufficient to erase the highly prejudicial impact of
21 this information from the minds of the jurors. Therefore, an advance ruling excluding this
22 material is necessary to preserve the integrity of the trial.
23

24 **IV. RELIEF REQUESTED**
25

26 WHEREFORE, Defendant respectfully requests that this Court enter an Order:
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1 A. Granting this Motion in Limine in its entirety;

2
3 B. Excluding any and all evidence, testimony, questioning, arguments, or references regarding
4 _____ from the trial of this matter;

5
6 C. Instructing Plaintiff, Plaintiff's counsel, and all of Plaintiff's witnesses not to mention, refer
7 to, or attempt to introduce the challenged material, directly or indirectly, in the presence of the
8 jury or prospective jurors; and

9
10 D. Instructing Plaintiff's counsel to advise all of Plaintiff's witnesses of this Order prior to their
11 testimony.

12
13 **Dated:** _____

14
15 Respectfully submitted,

16
17 **Signature:** _____

18 **Printed Name:** _____

19 **Bar No.:** _____

20 **Address:** _____

21 **City, State, Zip:** _____

22 **Phone:** _____

23 **Email:** _____

24 Attorney for Defendant

25
26 *

CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion in Limine was served upon the following parties or their counsel of record on _____ via the service method indicated below:

Recipient: _____

Address: _____

City, State, Zip: _____

Service Method: _____

Signature: _____

Printed Name: _____

Role: Attorney for Defendant