

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERICAN COUNCIL OF THE BLIND,
et al.,

No. C 05-04696 WHA

Plaintiffs,

**ORDER RE MOTION
IN LIMINE NO. 3**

v.

MICHAEL ASTRUE, *et al.*,

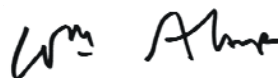
Defendants.

Plaintiffs' third motion *in limine* seeks to exclude defendants' proffered evidence of its request for information of May 22, 2007. With the Court's permission, the parties filed supplemental letter briefs on this issue.

As for the request for information and letters from various companies responding to it, the hearsay objection is **SUSTAINED**, because the letters will be offered for the truth of the contents thereof. The third-party letters may well have been recovered and maintained by the SSA in the ordinary course of business but there has been no sworn showing (and likely could never be a sworn showing) that the letters were made or signed by "a person with knowledge" (at the company) of all contents of the letters, much less that it was the "regular practice" of the companies to compose and to send such letters.

IT IS SO ORDERED.

Dated: September 9, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE