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

TERRA INSURANCE COMPANY,
Plaintiff,

No. C 09-01609 WHA

v.

NEW YORK LIFE INVESTMENT
MANAGEMENT, LLC,
Defendant.

**ORDER REGARDING
DEFENDANT'S MOTION
IN LIMINE NO. 2**

After reviewing the documents submitted by counsel pertaining to defendant's motion *in limine* number two, the Court rules as follows:

1. The New York Life document entitled "Strength and Safety for Uncertain Times, Annual Report 2007" will be admitted in part under FRE 807. The parts so admitted are: (i) from the paragraph beginning on page NYLIM4522 starting with "More than a year before the credit crisis emerged . . ." through to the end of that column, (ii) the paragraph on page NYLIM4524 beginning with "Elected as a new director in 2007 . . .," and (iii) the special report by Gary Wendlandt appended thereto on pages NYLIM4526–29 in its entirety. Possibly other rules of evidence would permit these portions to be admitted as well.

2. For the same reasons, the New York Life document denoted "Plaintiff's Exhibit 102," which appears to be a deposition exhibit, entitled "New York Life Avoids the Risks, Clients


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Reap the Rewards” will be admitted in its entirety under FRE 807. Again, possibly other rules of evidence would permit this document to be admitted as well.

With respect to the remainder of materials, the Court is unclear why they would be relevant or admissible. The parties shall ensure that these rulings are incorporated into the joint summary of rulings on all the motions *in limine* addressed at today’s pretrial conference.

IT IS SO ORDERED.

Dated: May 24, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE