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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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7 GERARD A MCHALE,

8 Plaintiff,

9 v.

10 SILICON VALLEY LAW GROUP,

11 Defendant.

Case No.: [3:10-cv-04864-JCS](#)

ORDER ON MOTIONS IN LIMINE

Dkt. Nos. 108, 109, 113, 114.

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13 For the reasons stated on the record:

14 (1) SVLG's Motion In Limine No. 1 is GRANTED. The Court excludes the testimony of
15 James Rees under Rule 404(b) of the Federal Rules of Evidence. The Court also
16 excludes the testimony of James Rees under Rule 403 because the probative value is
17 substantially outweighed by unfair prejudice.

18 (2) SVLG's Motion In Limine No. 2 is GRANTED in part and DENIED in part.

19 a. The Court excludes the Memorandum from Kutak Rock LLP, dated October 9,
20 2006 and attached as Exhibit G to the Declaration of Debra Sturmer, under
21 Rule 403 because the probative value is substantially outweighed by the
22 likelihood of jury confusion.

23 b. The Court does not exclude, subject to proper foundation, both Memoranda
24 from Erik Perkins, dated November 7, 2006 and November 21, 2006, and
25 attached as Exhibits H and I to the Declaration of Debra Sturmer.

26 c. The Court excludes pages 1 - 14 of the Memorandum from Jeffrey Berman of
27 Kluger Peretz, dated December 17, 2006 and attached as Exhibit J to the
28 Declaration of Debra Sturmer, under Rule 403 because the probative value is

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substantially outweighed by the likelihood of jury confusion. The Court does not exclude, subject to proper foundation, pages 15 - 17 of the Memorandum.

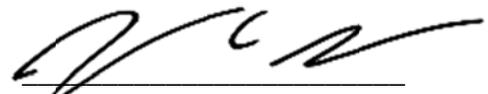
(3) The Trustee's Motion In Limine No. 1 is DENIED because it is an improper summary judgment motion.

(4) The Trustee's Motion in Limine No. 2 is GRANTED in part and DENIED in part.

The Court will extend the number of trial days from eight (8) days to twelve (12) days.

IT IS SO ORDERED.

Dated: January 25, 2012



Joseph C. Spero
United States Magistrate Judge