

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

BRUCE CHARLES RYAN, RUSSELL :
WILLIAM NEWTON, ROBERT :
FITZPATRICK, and MERIT CAPITAL :
ASSOCIATES, INC., :
Plaintiffs :

v. :

Civil Action No. 3:03-CV-0644 (CFD)

NATIONAL UNION FIRE INSURANCE :
COMPANY OF PITTSBURGH, P.A., and :
CHARTIS CLAIMS INC., :
Defendants. :

DAVID W. GWYNN and RAQUEL :
GWYNN, :
Plaintiffs :

v. :

Civil Action No. 3:03-CV-1154 (CFD)

NATIONAL UNION FIRE INSURANCE :
COMPANY OF PITTSBURGH, P.A., and :
CHARTIS CLAIMS, INC., :
Defendants. :

RULING ON MOTIONS IN LIMINE

The defendants’ motion to preclude evidence regarding the alleged malpractice of arbitration counsel for the Gwynn Plaintiffs [Dkt. # 448] is DENIED without prejudice to raising particular objections at trial. At this juncture, the Court also finds that the probative value of this evidence is not substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by the considerations of undue delay, waste of time, or needless presentation of cumulative evidence. See Fed. R. Evid. 403.

The defendants’ motion to compel a stipulation of uncontested facts [Dkt. # 449] is

DENIED. The parties will submit stipulations of fact in accordance with the Court's pretrial order of May 10, 2010 [Dkt. # 466].

The defendants' motion in limine to preclude Plaintiffs from referring to the defendant as AIG at trial [Dkt. # 452] is DENIED as withdrawn.

The defendants' motion in limine to preclude the plaintiffs from submitting evidence regarding the power of attorney/discretionary authority issue [Dkt. # 455] is DENIED without prejudice to raising particular objections at trial. At this juncture, the Court also finds that the probative value of this evidence is not substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by the considerations of undue delay, waste of time, or needless presentation of cumulative evidence. See Fed. R. Evid. 403.

The defendants' motion to change the name of the party defendant [Dkt. # 456] is GRANTED. The clerk is instructed to amend the caption to reflect the change of "AIG Technical Services, Inc." to "Chartis Claims, Inc."

The Ryan Plaintiffs' motion in limine regarding certain trial exhibits [Dkt. # 462] is GRANTED IN PART as to the arbitration transcript, without prejudice to offering specific portions of the transcript at trial. The Court also finds that the probative value of admitting the entire transcript is substantially outweighed by the danger of unfair prejudice, undue delay and confusion of the issues. See Fed. R. Evid. 403. The Court reserves judgment on the objection to the expert reports or exhibits until the time of trial.

The defendants' motion in limine to exclude evidence regarding alleged harm to the income of Plaintiffs Bruce Ryan, Russell Newton, and Robert Fitzpatrick [Dkt. # 384, Ex. 19A] is DENIED without prejudice as withdrawn.

The defendants' motion in limine to exclude evidence regarding the alleged diminished value of Merit Capital Associates [Dkt. # 384, Ex. 19C] is DENIED without prejudice as withdrawn.

The defendants' motion in limine to exclude evidence regarding alleged harm to Plaintiffs Bruce Ryan, Russell Newton, Robert Fitzpatrick, and/or Merit Capital Associates as a result of Defendants' temporary discontinuation of funding the defense of all plaintiffs [Dkt. # 384, Ex. 19D] is DENIED without prejudice to raising specific objections at trial. At this juncture, the Court also finds that the probative value of this evidence is not substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by the considerations of undue delay, waste of time, or needless presentation of cumulative evidence. See Fed. R. Evid. 403.

The parties shall provide the Court with briefs regarding the Court's structural obligations on how the trial should proceed by **Tuesday June 8, 2010 at 10:00a.m.**

SO ORDERED this 2nd day of June 2010, at Hartford, Connecticut.

/s/Christopher F. Droney
CHRISTOPHER F. DRONEY
UNITED STATES DISTRICT JUDGE