

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DANIEL RIVERA, STEPHEN)
KENSINGER, DEBORAH JOY)
MEACOCK, and REBECCA)
SCHEUNEMAN,)

Plaintiffs,)

v.)

No. 10 C 1733

ALLSTATE INSURANCE COMPANY,)

Defendant.)

OPINION AND ORDER

Defendant Allstate has moved for a ruling *in limine* barring hearsay comments and rumors concerning plaintiffs' reputations.

While it is correct that hearsay comments of rumors are subject to objection, Federal Rule of Evidence 803(21) provides a hearsay exception for evidence of character reputation. It states that "The following are not excluded by the rule against hearsay . . . : (21) **Reputation Concerning Character.** A reputation among a person's associates or in the community concerning the person's character." Plaintiffs' reputations both before and after the alleged defamatory statements are clearly relevant to prove possible defamation and damages.

Federal Rule of Evidence 405 provides guidance concerning the methods of proving character.

(a) **By Reputation or Opinion.** When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.

Accordingly, to the extent that anticipated testimony of witness Kathy Graham is offered as an opinion of reputation based upon testimony that she has knowledge of a plaintiff's reputation among associates or in the community, the motion is denied.

IT IS THEREFORE ORDERED that defendant's motion to bar hearsay comments and rumors regarding plaintiffs' reputations [206] is granted in part and denied in part.

ENTER:


UNITED STATES DISTRICT JUDGE

DATED: JUNE 3, 2016