

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DOUG COCHRAN**

**Plaintiff,**

**v.**

**JAMES MASSEY,**

**Defendant.**

**No. 12-cv-765-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Pending before the Court is defendant's motion in limine to exclude improper evidence and argument relating to: (1) established business relationship and (2) prior consent or permission (Doc. 36). Defendant, *inter alia*, argues that during discovery plaintiff gave evasive, incomplete and false answers to written interrogatories and requests for production on these issues. The Court **DENIES** the motion. On March 31, 2014, the Court denied as untimely defendant's motion request to reopen discovery (Doc. 47). In the motion to reopen discovery, defendant raised similar arguments regarding discovery violations as he does in this motion in limine. The evidence and argument that defendant seeks to omit are the precise issues that are in dispute in this case which the jury must decide based on the evidence that is produces and the credibility of the witnesses. Clearly, these issues that defendant seek to exclude are relevant, germane and proper. Thus, the Court **DENIES** defendant's motion in limine to exclude

improper evidence and argument relating to: (1) established business relationship and (2) prior consent or permission (Doc. 36).

**IT IS SO ORDERED.**

Signed this 24th day of April, 2014.

  
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David R. Herndon  
Date: 2014.04.24  
14:21:12 -05'00'



**Chief Judge**  
**United States District Court**