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To: Clerk of the Courts

Fax number: 0013172293959

From: Paul Walker

Fax number: 0845 408 5445

Date: 16 June 2011

Total Pages: 19

Comments: Motion in Limine - Resend...

I am resending this Motion in Limine as your fax was out-of-order this time last week, and not seeing these documents on PACER leads me to believe they have not yet been received by the Court.

The second Motion for Limine will follow immediately after this.

Kind regards,

Paul Walker

RECEIVED
JUN 16 2011
U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

Mr Paul M Walker
21a Sherborne Road, Yeovil BA21 4HD
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Email: paulwalker@lycos.com

The Clerk of the US District Court.
105 U.S. Courthouse
46 East Ohio Street
Indianapolis
Indiana
46204, USA

Date: Thursday, 9th June 2011

Transmitted by fax on the following:
Fax: **00 131 722 93959**

Original Documents in Land Mail.

Dear Sir / Madam,

Case Ref: 1:08-cv-923-JMS-TAB

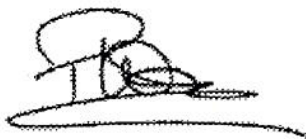
**Re: Motion in Limine and accompanying Proposed Order for
First Motion in Limine**

Please find the following Motion which seeks exclude prejudicial evidence in advance of trial by way of an in limine motion.

Immediately following the 15 Pages of the **Motion for Limine** is also a 2 page **Proposed Order First Motion in limine.**

Original copies have been dispatched by International Mail to the Clerk of Courts on the same date as shown above.

Yours sincerely



Paul Walker

Pro Se Representative for Defendant Paul Walker

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INTERNATIONAL MEDICAL)
GROUP, INC.,)
)
Plaintiff,)

v.)

CASE NO. 1:08-cv-00923-JMS-TAB

PAUL WALKER and,)
ESSENTIAL HEALTH LTD.)
)
Defendants.)

TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT defendant hereby moves this Court for an order excluding any and all evidence, references to evidence, testimony or argument relating to certain prior litigation occurring during the past in this Court; specifically, current Case Number 1:05-cv-438 RLY-JMS; INTERNATIONAL MEDICAL GROUP, INC., SIRIUS INTERNATIONAL INSURANCE CORPORATION vs. JONATHAN

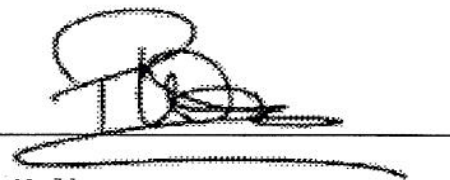
BOND, [hereinafter referred to as the [BOND case]; plus any discovery that relates specifically to that prior case.

This motion is based upon the grounds that this Federal Court, while hearing and ruling upon the prior litigation did not possess subject matter jurisdiction to hear Case 1:05 - cv-438 RLY-JMS. Thus, Case 1:05-cv-438 RLY JMS, [the BOND case] is fatally flawed and any evidence arising from it, is contaminated and thus, unfairly prejudicial. Allowing any of the flawed information from the [BOND] case into evidence in the instant case, would unfairly prejudice the Defendant and cause jury confusion.

This motion is made under the provisions of Federal Rules of Evidence 403 and 401, and is based upon the supporting Memorandum of Points and Authorities, the pleadings and papers on file in this action, and upon such of the argument and evidence as may be presented prior to or at the hearing of this matter.

DATED: 9 JUN 2011

By: _____



Paul Walker
Pro Se

MEMORANDUM OF POINTS AND AUTHORITIES

1.

PRELIMINARY STATEMENT

This action arises from allegations of Defamation and Conspiracy on the part of Defendant Paul Walker; where the plaintiff is seeking compensation for alleged damages, although none have been specified by the plaintiff during a period of almost three years. Furthermore, the plaintiff's company representative for a very recent 30(b)(6) deposition has testified that the plaintiff cannot prove any damages. [Ed. Note: Transcript not yet available at the time of this filing, but will be submitted as a supplement as soon as possible.]

Furthermore, this instant law suit (Case No. 1:2008-cv-00923 JMS TAB), including many of the plaintiff's pleadings contained within, make extensive references and allegations related to the previous law suits, which occurred in the distant past. (Case No. 1:05-cv- 438 RLY-JMS) and (Case No. 1:06 -cv- 280 DFH-JMS.

However, the Defendant in this instant law suit was never a party to either of the other prior law suits; nor, did the other lawsuits proceed in a parallel time frame. Indeed, the previous lawsuits were never consolidated. Yet, for some reason,

the separate lawsuits have been comingled under judicial banner of one judge, who has now been replaced by successors.

Furthermore, in Docket No. 76 of the [BOND] litigation, the successor presiding judge rejected the Defendant's Motion to Intervene as a Party (page 2, Docket No. 76, (Case No 1:05-cv-438-RLYY-JMS); in order to mount a defense, which had become necessary due to this instant litigation.

It should be noted that without foreknowledge, as well as prior to service-of-suit upon Defendant, and prior to retention of local counsel by the Defendant, this instant law suit was shifted by the court, without explanation and with the actual docket entry (i.e., Docket No. 10) being unavailable, from the judge originally assigned, to the purview of former District Judge David F. Hamilton. For additional background information, Judge Hamilton had been the presiding judge in both Case Nos. 1:05-cv-438 and 1:06-cv-280 DFH-JMS; but neither of those prior law suits, nor the instant one, had been consolidated.

In addition, Case No. 1:05 - CV -438, the [BOND] litigation resulted in a default judgment, including the mammoth amount of \$5+ million of purported damages, plus \$10 million dollars in

punitive damages.

Furthermore, no defense whatsoever by the defendant, was ever mounted prior to the default judgment. Thus, none of the purported evidence, nor the pleadings in the prior litigation were ever tested, whatsoever, for veracity or even reason.

Upon information and belief, the defendant in Case No. 1:05-cv-438, the [BOND] litigation was recalcitrant because he totally disagreed with the following basic proposition; to wit: a U.S. Federal Court in Indiana, was thought to be entitled to jurisdiction in a case populated by a foreign corporation, which was allied with a U.S. corporation, both as plaintiffs, against a British subject, who then residing in Spain, which is a nation Governed by the legal precepts of the European Union (EU).

Jonathan Bond's intuition would be proved prescient; as a result of legal arguments presented in Case No.1:06-CV-280 DFH-JMS (i.e., the [MEDIBROKER] litigation; where the rules of subject matter Jurisdiction were eloquently articulated by an Indianapolis attorney. The upshot: "SUBJECT MATTER" jurisdiction was initially absent in Case No. 1:06-cv-280, but that fatal defect was cured with the withdrawal of Sirius International, as a plaintiff. Sirius international never withdrew from the [BOND] litigation. Thus, the fatal flaw

persists to this date.

However, as a non-U.S. citizen with virtually no experience then with U.S. Federal courts, and unable to afford legal representation, Jonathan Bond was unaware of the precise legal language and judicial precepts, which would actually sustain his innate belief.

Co-incidentally, after an eight-month delay, Judge Hamilton Issued a denial for re-consideration in the [BOND] litigation; but, Jonathan Bond was gravely ill by then, Indeed, Jonathan Bond's demise may have occurred almost simultaneously. The Upshot: there would be no opportunity for an appellate review at that juncture.

Thus, the status of Judge Hamilton's fatally flawed default judgment against Jonathan Bond became moot. However, this instant lawsuit against the Defendant, seeks to link with the [BOND] litigation; plus, seeks to superimpose, the two legal actions, even though the respective lawsuit are widely separated in calendar time. In addition, the instant case (WALKER) deal with events that are few in number and miniscule in scope, by comparison.

Therefore, the Defendant anticipates the plaintiff will argue, *inter alia*, one or more of the following, or other similar points regarding the BOND litigation, during the Defendant's forthcoming trial; to wit:

(1) the two separate cases are inter-linked, and virtually indistinguishable;

(2) the two cases are supposedly woven together in some form of alleged conspiracy;

(3) thus, the instant Defendant (WALKER) is likewise guilty of conspiracy with Jonathan Bond, because they happened to interact with some mutual acquaintances and events; and thus

(4) the Defendant, due to purported mutual guilt, is culpable and subject to huge vicarious liability, even though it would stem from a flawed final judgment that the court has yet to correct,

(5) and this alleged liability would exist, despite the situation of their being virtually no direct evidence other than hearsay or circumstance,

(6) and, there is no way to "...prove a negative..." regarding any alleged prior engagements or participation with a dead man,

(7) and, even though the preponderance of the prior allegations of defamation against Jonathan Bond can now be substantiated, with objective input for the affirmative defense of Truth.

(8) and, despite the fact that the defendant has never had an opportunity as a "party" to defend his interests in either of

the prior litigation.

(9) and, despite the fact that [WALKER] has never yet had an opportunity to move for dismissal of the fatally flawed judgment in the fatally flawed [BOND] litigation, which occurred years earlier.

Chief Judge Richard L. Young, Indiana Southern District, Indianapolis Division, opined on page 2 of Docket No. 76 in Case No. 1:05-cv-438 RLY-JMS, [i.e., the BOND case], the following: **"Fourth, Mr. Walker's claims and concerns with IMG can be fully vindicated in *International Medical Group, Inc. v. Paul Walker, et al.*", No. 1:08 - cv-923-JMS-TAB"**.

Thus, each and every document or purported evidence related in any way to the [BOND] case, would have to be litigated in the instant case. Furthermore, the plaintiff's substantial failures to fully comply with discovery, would then impede and/or delay this instant case even further; as well as extend its length and calendar time allocation, immeasurably.

Consequently, each of the plaintiff's potential arguments must fail; if for no other reason, due to the egregious blunder committed by Judge Hamilton's court in violating a fundamental canons of American jurisprudence; namely, an unequivocal, unwavering mandate for the Federal court to possess subject

matter jurisdiction.

To streamline the presentation of facts at trial, the Defendant moves, in limine, to have arguments and evidence regarding Case No. 1:05-cv-438 RLY-JMS, *INTERNATIONAL MEDICAL GROUP, Inc., SERIUS INTERNATIONAL INSURANCE CORPORATION vs. JONATHN BOND* [hereinafter referred to as the BOND case], excluded; in order that a myriad of misleading subjects and confusing events, including countless irrelevant ones, can be prevented from substantially or irreparably contaminating the perspectives and perceptions of the jurors, and polluting the trial setting with inadmissible or very unfairly prejudicial evidence.

2.

THIS COURT MAY EXCLUDE PREJUDICIAL
EVIDENCE IN ADVANCE OF TRIAL
BY WAY OF AN IN LIMINE MOTION

The Court has the inherent power to grant a motion in limine to exclude evidence that could be objected to at trial. Luce v United States, 469 U.S. 38, 41 (1984); United States v. Caputo, 313 F.Supp.2d 764, 767-68 (N.D. Il 2004); United States v. Lachman, 48 F.3d 586, 590-94 (1st Cir. 1995).

Federal Rule of Evidence 403 allows the court to exclude evidence where there is a substantial danger that the probative value will be outweighed by the danger of undue prejudice. See Old Chief v. United States, 519 U.S. 172, 180-92 (1997); United States v. Aguilar-Aranceta, 58 F.3d 796, 800-02 (1st Cir. 1995); Coleman v. Home Depot, Inc., 306 F.3d 1333, 1343 (3rd Cir. 2002).

In addition, Federal Rules of Evidence 103(c) and 104(c) allow the court to hear and determine the question of the admissibility of evidence outside the presence or hearing of the jury. Williams v. Board of Regents of the University System of Georgia, 629 F.2d 993, 999-1001 (5th Cir. 1980).

3.

EVIDENCE OF PLAINTIFF'S PRIOR LITIGATION
SHOULD BE EXCLUDED TO AVOID UNFAIR PREJUDICIAL JURY CONFUSION

The Federal Rules of Evidence clearly provide that this Court may exclude evidence when it is unduly confusing. In fact, Federal Rule of Evidence 403 specifically states: "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." (Emphasis added.) The Court may exclude marginally probative evidence that might easily confuse the jury. See, e.g., Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 582-98 (1993); Navarro De Cosme v. Hospital Pavia, 922 F.2d 926, 931-32 (1st Cir. 1991); Coleman v. Home Depot, Inc., 306 F.3d 1333, 1341-47 (3rd Cir. 2002); Chase v. General Motors Corp., 856 F.2d 17, 18-20 (4th Cir. 1988); United States v. Cody, 114 F.3d 772, 777-78 (8th Cir. 1997); and United States v. Hitt, 981 F.2d 422, 423-25 (9th Cir. 1992).

In the present case, there is a substantial danger that jurors might believe that the plaintiff's prior litigation (i.e., the BOND case), which dealt with some of these same terms or

issues or events, applies concomitantly, or with the same degree of relevance in the instant litigation against the defendant. Thus, any of the potentially prodigious amounts of disputed materials, which for various reasons such as the death of Jonathan Bond, cannot be authenticated from the prior BOND litigation. Therefore, the jury would easily become confused and misled, and thus, unfairly prejudice the defendant.

In regards to the mammoth financial award reported in the fatally flawed BOND Case, *Blakely v. City of Clarksville*, 244 Fed. Appx. 681, 683-84 (6th Cir. 2007) (unpublished decision), ruled that evidence of a verdict that was reached in a similar lawsuit was unfairly prejudicial, misleading, and confusing and should not have been admitted. In addition, the trial court in *Woods v. Lecureux*, 110 F.3d 1215, 1218-19, 46 Fed. R. Evid. Serv. 1111, 1997 FED App. 0116P (5th Cir. 1997) properly excluded documents from other litigation, because they were confusing, misleading and unduly prejudicial. Furthermore, in *U.S. v. Bowman*, 302 F.3d 1228, 1239-40, 59 Fed. R. Evid. Serv. 1018 (11th Cir. 1971), the trial court abused its discretion by allowing a party to admit judicial findings of fact from a separate but related case. The appellate court noted that the judicial findings were unfairly prejudicial, hearsay, confusing, and misleading.

The few Exhibits attached by the plaintiff to Complaint (Docket No. 1), are the essence of evidence for any probable Defamation allegation. However, in contrast, there is an unfathomable amount of irrelevant material within the BOND hearsay that was provided to the plaintiff in discovery, but never published by the defendant. *PRL USA Holdings, Inc. v. U.S. Polo Assn., Inc.*, 520 F.3d 109, 75 Fed. R. Evid. Serv. 1104 (2d Cir. 2008) allowed a document to be excluded as hearsay and because its probative value was outweighed by its prejudicial effect. *Harrison v. Sears, Roebuck and Co.*, 981 F.2d 25, 31-32, 37 Fed. R. Evid. Serv. 1200 (1st Cir. 1991) ruled that the trial judge had discretion to exclude otherwise admissible evidence, under Rule 403, based upon a concern that it might improperly confuse and prejudice the jury. There may literally thousands, certainly hundreds of hearsay documents contained in the materials associated with the BOND case.

4.

A full discussion of the fatally flawed ruling and judgment in the [BOND] litigation is beyond the scope of this particular motion. However, the synopsis is as follows:

- a. There is an Indiana corporation and a foreign corporation versus a foreign citizen.
- b. According to the Seventh Circuit, "there is no diversity jurisdiction over a case in which there are foreign parties on both sides of the suit and a U.S. citizen on only one side." *Salton Inc. v. Philips Domestic Appliances & Personal Care B.V.*, 391 F.3d 871, 875 (Seventh Circuit 2004); [Ed. Notes: plus, other similar citations, omitted for brevity.]
- c. This is because a case involving a mixture of foreign and domestic parties on one side versus foreign parties on the other does "not fit any of the possible applicable jurisdictional pigeonholes". *Allendale Mut. Ins. Co. V. Bull Data Syst., Inc.*, 10 F.3d 425, 428 (7th Cir. 1993)
- d. The burden of demonstrating jurisdiction rests on the plaintiff. *Nelson v. Park Indus.* 717 F2d at 1275; 717 F2d 1120, 1123 (7th Circuit 1983; [Ed. Notes: plus, other citations, as well as applicable *Local Rules*, are omitted for brevity.]

- e. Accordingly, the Court did not have jurisdiction over Case No. 1:05-cv-438 DFH-JMS; [the BOND litigation].
- f. "Jurisdiction" is the power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. *Veiga v. World Meteorological Organization*, 568 F.Supp 2nd 367 - Fed Cts. S.D.N.Y. 2008; [Ed. Note: plus other citations omitted for brevity]

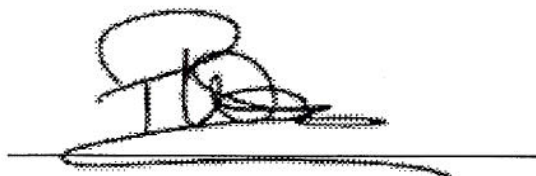
5.

CONCLUSION

Based on the foregoing, the Defendant respectively requests the Court to exclude any and all evidence, including any mention of evidence, or rulings relating to the plaintiff's prior litigation against Jonathan Bond [Case No. 1:05-cv-438 RLY-JMS).

DATED: 9 JUN 2011

By: _____



Paul Walker
Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INTERNATIONAL MEDICAL)
GROUP, INC.,)
)
Plaintiff,)

v.)

CASE NO. 1:08-cv-00923-JMS-TAB

PAUL WALKER and,)
ESSENTIAL HEALTH LTD.)
)
Defendants.)

PROPOSED ORDER GRANTING DEFENDANT'S FIRST MOTION IN LIMINE

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that plaintiffs shall not present any testimony, and shall not argue or refer to this Court's prior Case 1:2005-cv-438 RLY-JMS; namely, *International Medical Group, Inc. and Sirius International v. Jonathan Bond*; and even more specifically, the judgment awarded in that case.

IT IS HEREBY FURTHER ORDERED that plaintiff's, counsel and plaintiff's witnesses shall:

1. Not to mention, refer to, or attempt to convey to the jury in any manner, either directly or indirectly, any of the facts or descriptions mentioned in this Motion, without first obtaining permission of the Court outside the presence and hearing of the jury; and
2. Not to make any reference to the fact that this motion has been filed; and
3. To warn and caution each of plaintiff's witnesses to strictly follow the same instructions.

Dated:

Jane Magnus-Stinson

JUDGE OF THE DISTRICT COURT