

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GATEHOUSE MEDIA MASSACHUSETTS I,
INC., DOING BUSINESS AS GATEHOUSE MEDIA
NEW ENGLAND,

Plaintiff,

v.

THE NEW YORK TIMES COMPANY,
DOING BUSINESS AS BOSTON.COM,

Defendant.

Civil Action No. 08-12114-WGY

**THE NEW YORK TIMES COMPANY'S MOTION IN LIMINE TO EXCLUDE
THE EXPERT TESTIMONY OF LAW PROFESSOR DOUGLAS GARY LICHTMAN**

Pursuant to Federal Rule of Evidence 702, Defendant The New York Times Company ("New York Times") moves to exclude the trial testimony of Plaintiff's proffered law professor expert, Professor Douglas Gary Lichtman. As explained in the accompanying memorandum of law, the expected testimony of Professor Lichtman, as set forth in his expert report, consists entirely of legal opinions and conclusions, usurps the role of the Court, and is inadmissible under both the Federal Rules of Evidence and the case law of this Court.

Wherefore, New York Times requests that Professor Lichtman's expected testimony be excluded in its entirety.

Dated: January 23, 2009

Respectfully submitted,

THE NEW YORK TIMES CO.,

By its attorneys,

/s/ R. David Hosp

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LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

The undersigned certifies pursuant to Local Rule 7.1(A)(2) that the moving party has conferred with opposing counsel on the matter set forth herein and reports that Plaintiff's counsel has not consented to the relief sought herein. I, Ira J. Levy, further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 23, 2009.

/s/ Ira J. Levy