

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:11-CV-30171 MAP

IMEDICOR, INC. FKA VEMICS, INC.,	)
Plaintiff	)
	)
VS.	)
	)
MASSACHUSETTS MUTUAL LIFE	)
INSURANCE COMPANY,	)
Defendant	)

**MOTION IN LIMINE BY IMEDICOR, INC. FKA VEMICS, INC.**

Plaintiff, IMEDICOR, INC. FKA VEMICS, INC. ("Imedcor") files this motion in limine to regulate the admissibility of evidence offered at trial by Imedcor and by Massachusetts Mutual Life Insurance Company ("MassMutual").

**I. Non-Disclosed Evidence.**

A. MassMutual refers to demonstrative evidence in its pre-trial memorandum which is not merely enlarged copies of documents but which is a video or chart containing information which has never been disclosed to Imedcor. See Fed. R. Civ. P. 26. For this reason such evidence should be inadmissible.

**II. Evidence of Damages**

A. MassMutual disclosed no computation of each category of damages it claims as required by Fed. R. Civ. P. 26.(1)(iii), except for Amended Counterclaim paragraph #5, "in excess of \$490,850 for goods and services which Vemics has failed to provide." Any evidence in support of damages which cannot be awarded is inadmissible.

*DELETED without prejudice. Many issues raised by this motion may be addressed through a motion at the close of evidence, or may be more properly dealt with at trial. See Order. Michael B. Brown, CDDT 5-2-13*