UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

DEMARIA L. WYNN
as Guardian for Duane L. Wallace, a protected individual,
and
DUANE L. WALLACE, a protected individual,

Plaintiffs,

Case No. 06-10534
HON. AVERN COHN

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE STATEMENTS AND WRITINGS BY DOROTHY WALLACE, A NON-PARTY, TO THE SOCIAL SECURITY ADMINISTRATION AND THE FAMILY INDEPENDENT AGENCY [ETC.] (DOC. 67)¹

This is an attendant care case under Michigan's No Fault Act. The jurisdiction of the Court is based on diversity. Plaintiff has filed a motion styled Motion in Limine to Exclude Statements and Writings by Dorothy Wallace, a Non-Party, to the Social Security Administration and the Family Independent Agency as Being Inadmissible Hearsay and More Prejudicial than Probative (doc. 67).

¹ The Court reminds the parties that in the Sixth Circuit, a ruling on a motion in limine is advisory only. <u>United States v. Yannott</u>, 42 F.3d 999, 1007 (6th Cir. 1994). To preserve for appeal any issue relating to this decision, a party must raise the question at trial and obtain a final decision from the Court. <u>See United States v. Luce</u>, 713 F.2d 1236, 1239–40 (6th Cir. 1983).

For the reasons stated on the record at a hearing on March 30, 2009, the motion is DENIED. The Court will go question by question at trial. Defendant shall not mention the statements or writings in its opening.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 30, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 30, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160