

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SAINT LOUIS UNIVERSITY,	)	
a Missouri benevolent corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:07CV1733 CEJ
	)	
AVIS MEYER,	)	
	)	
Defendant.	)	

**PLAINTIFF SAINT LOUIS UNIVERSITY'S  
MOTION TO STRIKE DEFENDANT'S  
BELATED PRE-TRIAL FILINGS**

COMES NOW Plaintiff Saint Louis University (“Plaintiff”), by and through its undersigned counsel, and for its Motion to Strike Defendant’s Belated Pre-Trial Filings states as follows:

1. This Court’s Case Management Order (“CMO”), entered on February 7, 2008 [dkt #12], provides that all motions in limine must be filed with the Court “at least ten (10) days before trial.” It also provides that any objections to exhibits, deposition designations, or discovery designations are waived if not set forth in writing “at least ten (10) days before trial.”

2. The matter is currently set for trial on January 20, 2009.

3. Defendant Avis Meyer failed to timely file the following documents by not filing them “at least ten (10) days before trial”:

- Defendant’s Motion in Limine to Exclude Witnesses [dkt # 96, filed January 12, 2009] with Memorandum in Support [dkt #97, filed January 12, 2009];
- Defendant’s Motion in Limine [dkt #98, filed January 12, 2009] with Memorandum in Support [dkt #99, filed January 12, 2009];

- Defendant's Objections to Plaintiff's Exhibit List [dkt # 100, filed January 12, 2009]; and
- Defendant's Objections and Counter Designations to Plaintiff's Discovery Designations [dkt # 101, filed January 12, 2009].

4. Based upon Defendant's failure to timely file its motions in limine and its failure to timely set forth its objections in writing, and pursuant to the provisions of the Court's CMO, the objections should be deemed waived and the motions in limine should be stricken.

5. A proposed order is attached hereto.

WHEREFORE, for all of the foregoing reasons, Plaintiff Saint Louis University respectfully requests that this Court deem Defendant's untimely objections as waived and strike Defendant's belated Motions in Limine and grant such other relief to Plaintiff as may be just and proper.

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

By:     /s/ Frank B. Janoski      
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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I further certify that on the 13th day of January, 2009, the foregoing was filed with the Clerk of Court to be served via the Court's ECF system upon all counsel of record.

/s/ Frank B. Janoski

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