

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

SAINT LOUIS UNIVERSITY,)
a Missouri benevolent corporation,)
)
Plaintiff,)
)
v.)
)
AVIS MEYER,)
)
Defendant.)

Case No. 4:07-cv-01733

DEFENDANT’S MOTION IN LIMINE

COMES NOW, Defendant Avis Meyer (“Defendant” or “Dr. Meyer”), by and through his undersigned counsel and for its Motion *in limine*, and requests, pursuant to Federal Rules of Evidence 401, 402, 403 and 802, and other applicable law, that the Court preclude Plaintiff, its counsel, and any witnesses from making any reference in opening statement or otherwise, or from testifying, attempting to introduce evidence or eliciting any testimony related to irrelevant, prejudicial or otherwise improper topics. In support of his Motion, Defendant states as follows:

1. This case is set for a bench trial on January 20, 2009. The only claim to be tried is Plaintiff’s Count VII for alleged violation of Missouri Revised Statute §417.150, which prohibits misuse of a benevolent society’s name.
2. Based upon Plaintiff’s pretrial filings to date, it is anticipated that Plaintiff will attempt to elicit testimony, submit evidence, or present attorney argument that is hearsay or that is not relevant to any issue to be tried in this case, or to the extent it might be relevant, any probative value is far outweighed by the danger of unfair prejudice or the

potential for undue delay and a waste of the Court's time. Such evidence should be excluded pursuant to Federal Rules of Evidence 401, 402, 403 or 802.

3. Specifically, Dr. Meyer seeks to exclude the following categories of evidence:
 - a. Testimony, argument or evidence of "facebook" and/or "blog postings";
 - b. Testimony, argument or evidence of deletion of emails or correspondence or spoliation activities by Dr. Meyer; and
 - c. Testimony, argument or evidence of Dr. Meyer not providing "assurances" to Plaintiff;."

Defendant's Memorandum in Support of Defendant's Motion in Limine is submitted herewith. A proposed Order granting this motion in limine is attached hereto.

Respectfully submitted,

POLSTER, LIEDER, WOODRUFF &
LUCCHESI, L.C.

By: *s/Brian J. Gill*

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I further certify that on the 12th 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.

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