

**IN UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

TODD JANSON, et al., on behalf of)	
themselves and on behalf of all others)	
similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:10-cv-04018-NKL
)	
LEGALZOOM.COM, INC.)	
)	
)	
Defendant.)	

**PLAINTIFFS’ MOTION IN LIMINE REGARDING ANY EVIDENCE FROM
LEGALZOOM.COM THAT THEY ARE NOT DAMAGING ANYONE AND ANY
EVIDENCE REGARDING THE VALIDITY OF LEGALZOOM.COM’S DOCUMENTS**

Come now, Plaintiffs, by and through counsel, and for their Motion in Limine regarding any evidence from Legalzoom.com that it is not Damaging Anyone and any evidence regarding the Validity of Legalzoom.com’s Documents, state as follows:

I. Introduction

Legalzoom.com (hereinafter “Legalzoom”) may argue to the jury that its business does not damage anyone, and therefore, they are not doing anything wrong. Similarly, Legalzoom may wish to argue to the jury that its documents are valid and, therefore, the class of plaintiffs in this case have not been damaged since they purchased legally proper documents. Since Legalzoom’s business, if it is found to engage in the unauthorized practice of law, is presumed under Missouri statute to damage Missouri consumers purchasing legal documents not prepared by a licensed Missouri attorney, it should be prohibited from arguing that no one is damaged from its current practices.

II. Argument

“Federal Rule of Evidence 402 provides that irrelevant evidence is inadmissible.” *Wright v. Ark. & Mo. R.R. Co.*, 2009 U.S. App. LEXIS 16719, *12 (8th Cir. July 29, 2009). “Evidence is relevant if it has ‘any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.’” *Id.* at *12-13 (quoting Fed. R. Evid. 401). “A district court is given broad discretion to determine the relevance of evidentiary matters.” *Id.* at 13.

This Court will instruct the jury that it must follow Missouri law in rendering its verdict in this case. Missouri law as set forth in § 484.020 RSMo. specifically provides a consumer who has paid money to someone, who does not have a license to provide legal services, for legal services is entitled to three times the amount of money that was paid. Damages follow as a matter of law from the unauthorized practice of law. Whether anyone has been hurt by LegalZoom documents or not is simply not at issue in the case.

The validity of Legalzoom’s documents is also not relevant to this case. Legalzoom may wish to argue to the jury that the class of plaintiffs was not damaged since the documents they purchased from Legalzoom are valid. Whether Legalzoom prepared valid documents or invalid documents has nothing to do with the question of whether their preparation was done in violation of Missouri law. There is no statutory or common law requirement that a party can only engage in the unauthorized practice of law if the party did so below any certain standard of care. In addition, if the validity of the documents prepared by Legalzoom is injected into this case the jury might be inclined to believe that if the documents were valid then the plaintiffs do not have any valid case. Since such an argument would suggest to the jury that they decide the case on something beside the facts and the law, it should be excluded under Rule 403.

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CERTIFICATE OF SERVICE

I certify that on August 2, 2011, I served this paper upon the following via this Court's ECF system:

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