

**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 TO EXCLUDE EVIDENCE OR ARGUMENT
CONCERNING THE IN RE THOMPSON DECISION**

Come now Plaintiffs, by and through counsel, and for their Motion in Limine to exclude any evidence or argument concerning the *In re Thompson* decision, state as follows:

Plaintiffs anticipate, based on arguments asserted by LegalZoom in their summary judgment papers, that LegalZoom will attempt to introduce evidence or argument before the jury that the use of legal forms is legal in Missouri based upon the decision in *In re Thompson*, 574 S.W.2d 365 (Mo. banc 1978). LegalZoom’s argument is that because the Missouri Supreme Court approved the sale of do-it-yourself divorce kits in *Thompson*, LegalZoom’s conduct is lawful as well. Such evidence or argument should be excluded because “[e]vidence which is not relevant is not admissible.” Fed. R. Evid. 402. Furthermore, such evidence would mislead and confuse the jury who are charged with determining issues of fact, not law.

How the Missouri Supreme Court decided the *Thompson* case has no bearing on the factual issues to be presented to the jury. The statutory underpinning of plaintiffs’ cause of action is Section 484.020.1 RSMo, which prohibits “the drawing” or “assisting in the drawing for a

valuable consideration” of “any paper, document or instrument affecting or relating to secular rights.” Thus, the factual question for the jury to decide is whether LegalZoom participated in or assisted in the drawing of legal documents. What occurred in a unrelated lawsuit, *Thompson*, has no bearing on that factual question.

“‘Relevant evidence’ means evidence having 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.” Fed. R. Evid. 401. “Evidence which is not relevant is not admissible.” Fed. R. Evid. 402. “A defendant has no right to offer and a jury has no right to hear inadmissible evidence.” *U.S. v. Ceballos*, 593 F. Supp. 2d 1054, 1059 (S.D. Iowa 2009). The circumstances of the *Thompson* lawsuit, which may relate to the legal issues presented, have no bearing whatsoever on the factual determination to be made by the jury concerning whether LegalZoom violated Section 484.020.1 RSMo.

This court has broad discretion in determining the admissibility of evidence, *Fortune Funding, LLC v. Ceridian Corp.*, 368 F.3d 985, 990 (8th Cir. 2004), and should exercise its discretion to exclude evidence or argument concerning the availability of legal forms in Missouri.

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CERTIFICATE OF SERVICE

I certify that on August 2, 2011, I filed the foregoing with the Clerk of the Court using the CM/ECF system. The system sent notification of this filing to the following:

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