

**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. )  
 )  
LEGALZOOM.COM, INC. )  
 )  
 )  
 )  
 Defendant. )

Case No. 2:10-cv-04018-NKL

**PLAINTIFFS’ MOTION IN LIMINE REGARDING ANY EVIDENCE THAT  
LEGALZOOM.COM MAKES LEGAL DOCUMENTS AVAILABLE FOR LOW AND  
MIDDLE INCOME AMERICANS**

Come now, Plaintiffs, by and through counsel, and for their Motion in Limine to exclude any evidence that Legalzoom.com (hereinafter “Legalzoom”) Makes Legal Documents Available for Low and Middle Income Americans, state as follows:

**I. Introduction**

Legalzoom has suggested through some of its witnesses that it’s document preparation service is beneficial since it provides legal documents to low and middle income Americans. Since this case involves allegations of Legalzoom’s noncompliance with Missouri law through its preparation of legal documents; who it prepares those legal documents for is not relevant. In addition, the introduction of such evidence would clearly be done in an effort to suggest to the jury that since low and middle income Americans are allegedly benefitted from their service that its business should be deemed in compliance with Missouri law. Pursuant to Federal Rule of Evidence 403, the introduction of such evidence should be prohibited since it would suggest to

the jury a reason to decide the case based on something other than the evidence and the law.

## 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.

Rule 403 of the Federal Rules of Evidence provides “[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Fed.R.Evid. 403. “Confusion of the issues warrants exclusion of relevant evidence if admission of the evidence would lead to litigation of collateral issues.” *Firemen's Fund Ins. Co. v. Thien*, 63 F.3d 754 (8<sup>th</sup> Cir. 1995). Rule 403 is concerned with unfair prejudice which is evidence that has an undue tendency to suggest decision on an improper basis. *Pro batter Sports, LLC v. Joyner Technologies, Inc.*, 2007 WL 3285799 (N.D.Iowa, October 18, 2007).

Who buys the legal documents prepared by Legalzoom has no bearing on whether it is engaged in the unauthorized practice of law or Missouri law. Accordingly, who purchases the legal documents prepared by Legalzoom is simply not relevant. In addition, to the extent the economic status of the purchasers of the legal documents from Legalzoom was relevant, such evidence should be excluded under Federal Rule of Evidence 403. A jury may decide that this portion of the population is underserved by the legal community and, therefore, since, according

to Legalzoom, it provides legal documents to this group of citizens, the jury should allow it to continue. This would suggest that the jury render a decision in this case based on improper basis that is unrelated to the legal issues in this case. Accordingly, Plaintiffs respectfully request the Court enter an Order prohibiting Legalzoom from discussing or arguing in any way that its business serves or caters to a certain economic clientele or portion of society.

Respectfully submitted,

/s/Timothy VanRonzelen

Timothy Van Ronzelen, #44382  
Matthew A. Clement, #43833  
Kari A. Schulte, #57739  
COOK, VETTER, DOERHOFF & LANDWEHR  
231 Madison  
Jefferson City, Missouri 65101  
Telephone: 573-635-7977  
Facsimile: 573-635-7414  
tvanronzelen@cndl.net  
mclement@cndl.net  
kschulte@cndl.net

and

Edward D. Robertson, Jr., # 27183  
Mary Doerhoff Winter, # 38328  
BARTIMUS, FRICKLETON, ROBERTSON  
& GORNY  
715 Swifts Highway  
Jefferson City, MO 65109  
Telephone: 573-659-4454  
Facsimile: 573 659-4460  
chiprob@earthlink.net  
marywinter@earthlink.net

David T. Butsch, # 37539  
James J. Simeri, #52506  
BUTSCH SIMERI FIELDS LLC  
231 S. Bemiston Ave., Ste. 260  
Clayton, MO 63105  
Telephone: 314-863-5700  
Facsimile: 314-863-5711  
butsch@bsflawfirm.com  
[simeri@bsflawfirm.com](mailto:simeri@bsflawfirm.com)

Randall O. Barnes, #39884  
 RANDALL O. BARNES & ASSOCIATES  
 219 East Dunklin Street, Suite A  
 Jefferson City, Missouri 65101  
 Telephone: 573-634-8884  
 Facsimile: 573-635-6291  
 rbarnesjclaw@aol.com

Steven E. Dyer, #45397  
 LAW OFFICES OF STEVEN DYER  
 10850 Sunset Office Drive, Ste. 300  
 St. Louis, MO 63127  
 Telephone: 314-898-6715  
[jdepamba@gmail.com](mailto:jdepamba@gmail.com)

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

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

Party	Counsel
Defendant LegalZoom.com, Inc.	Robert M. Thompson James T. Wicks Christopher C. Grenz BRYAN CAVE LLP One Kansas City Place 1200 Main Street, Ste. 3500 Kansas City, MO 64105 816.374.3200, 816.374.3300 (fax)  John Michael Clear Michael Biggers James Wyrsh BRYAN CAVE LLP One Metropolitan Square – Ste. 3600 211 N. Broadway St. Louis, MO 63102 314.250.2000, 314.259.2020 (fax)

/s/Timothy VanRonzelen