

**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
THAT A COMPUTER CANNOT PRACTICE LAW**

Come Now, Plaintiffs, by and through counsel, and for their Motion in Limine to exclude any evidence or argument that a computer cannot practice law, 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 a computer is incapable of practicing law. LegalZoom’s argument is that a computer is simple a modern version of a self-help kit. Such evidence or argument should be excluded because “[e]vidence which is not relevant is not admissible.” Fed. R. Evid. 402. Furthermore, in addition to being an erroneous statement of the law, such evidence would mislead and confuse the jury.

Whether a computer can practice law 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.

“‘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 assertion that a computer cannot practice law, beyond being a misstatement of Missouri law, has 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 any evidence or argument that a computer cannot practice law.

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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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