

Missouri residents 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.

In addition, introduction of other computer programs or publications into evidence will only lead the jury and the parties down a path that will call for the exploration of the various differences between the computer programs and/or form books that Legalzoom might wish to introduce and LegalZoom's products. However, LegalZoom has not identified any witnesses to testify about software or form books. Because no witness competent to testify regarding the foundational requirements of these software programs or form providers has been disclosed, they will not be admissible in evidence.

"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 availability of legal forms or software in Missouri 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 evidence or argument concerning the availability of legal forms or

computer software for legal documents 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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