

**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 PLAINTIFFS’ CLAIMS ARE BROUGHT TO
PROTECT THE LEGAL PROFESSION**

Come Now Plaintiffs, by and through counsel, and for their Motion in Limine to exclude any evidence or argument that Plaintiffs’ claims are brought to protect the legal profession state:

Plaintiffs anticipate, based on arguments previously asserted by LegalZoom, that LegalZoom will attempt to introduce evidence or argument before the jury that the claims asserted by plaintiffs in this lawsuit are brought to protect the legal profession from competition. For example, LegalZoom’s expert offers opinions concerning the organized bar’s protection of “its own economic interests.” (Powell Report, p. 8). 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 facts concerning the conduct of LegalZoom, not public policy considerations regarding the regulation of the practice of law.

“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). Whether LegalZoom’s business of preparing legal documents is in the best interest of the legal profession 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 that Plaintiffs’ claims are brought to protect the legal profession.

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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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