

**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 LEGALZOOM’S CUSTOMERS ARE SATISFIED AND THAT LEGALZOOM’S
PRODUCTS ARE NOT DEFECTIVE**

Come now Plaintiffs, by and through counsel, and for their Motion in Limine to exclude any evidence or argument that LegalZoom’s customer’s are satisfied and that LegalZoom’s products are not defective:

Plaintiffs anticipate that LegalZoom will attempt to introduce evidence or argument before the jury that LegalZoom’s customers are satisfied with its products and that its products are of high quality and not defective. 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 whether LegalZoom’s customers are satisfied with their documents or whether the products sold by LegalZoom are of sufficient quality.

“‘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 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. The questions of whether LegalZoom’s customers are satisfied or whether its documents were of good quality have no bearing on the facts to be decided.

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 LegalZoom’s customer’s are satisfied and that LegalZoom’s products are not defective.

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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:

| Party | Counsel |
|----------------------------------|---|
| Defendant LegalZoom.com, Inc. | Robert M. Thompson James T. Wicks 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) |

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