

**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 TO EXCLUDE EXPERT TESTIMONY

Plaintiffs move for an order excluding the testimony of Defendant LegalZoom.com, Inc.’s designated expert, Burnele Venable Powell, at trial. In support of their motion, Plaintiffs state:

1. On February 15, 2011, Defendant LegalZoom produced a report containing the opinions of its sole designated expert, law professor Burnele Venable Powell. (The report is attached to Plaintiffs Suggestions as Exhibit 1).
2. Professor Powell’s report consists of his opinions as to what conduct constitutes the unlawful practice of law and what the law should be. Furthermore, his report discusses various subjects, including the history of the regulation of the practice of law, the history of legal “self-help,” and the alternatives to a prohibition on use of computerized forms.

3. Professor Powell's opinions on the law and how it should be applied in this case usurp the role of the Court and will not assist the trier of fact to understand the evidence or determine a fact in issue, all in violation of Rule 702 of the Federal Rules of Evidence.

4. Further, the various subjects of Professor Powell's report and testimony to be given at trial fail to meet the relevancy test of Rule 401 of the Federal Rules of Evidence and should therefore be excluded.

5. For the reasons more fully set forth in Plaintiffs Suggestions in Support of Motion to Exclude Expert Testimony, Plaintiffs seek an order excluding the testimony of Professor Powell at trial.

WHEREFORE, Plaintiffs move for an order of this Court excluding the testimony of Burnele Venable Powell at trial and that provides all other relief that is just.

Edward D. Robertson, Jr., # 27183
Mary Doerhoff Winter, # 38328
**BARTIMUS, FRICKLETON,
ROBERTSON & GORNY**
715 Swifts Highway
Jefferson City, MO 65109
573.659.4454, 573.659.4460 (fax)
chiprob@earthlink.net,
marywinter@earthlink.net

Timothy Van Ronzelen, #44382
Matthew A. Clement, #43833
Kari A. Schulte, #57739
**COOK, VETTER, DOERHOFF &
LANDWEHR, PC**
231 Madison
Jefferson City, Missouri 65101
573.635.7977, 573.635.7414 (fax)
tvanronzelen@cndl.net
mclement@cndl.net
kschulte@cndl.net

Steven E. Dyer, #45397
LAW OFFICES OF STEVEN DYER
10850 Sunset Office Drive, Ste. 300
St. Louis, MO 63127
314.898.6715
jdcpamba@gmail.com

/s/ David T. Butsch
David T. Butsch, # 37539
James J. Simeri, #52506
BUTSCH SIMERI FIELDS LLC
231 S. Bemiston Ave., Ste. 260
Clayton, MO 63105
314.863.5700, 314.863.5711 (fax)
butsch@bsflawfirm.com
simeri@bsflawfirm.com

Randall O. Barnes, #39884
RANDALL O. BARNES & ASSOCIATES
219 East Dunklin Street, Suite A
Jefferson City, Missouri 65101
573.634.8884, 573.635.6291 (fax)
rbarnesjclaw@aol.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on April 8, 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)

/s/ David T. Butsch