

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv204**

RDLG, LLC,)
)
 Plaintiff,)
)
 v.)
)
 RPM GROUP, LLC, et al.,)
)
 Defendants.)
 _____)

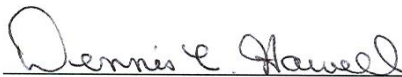
ORDER

Pending before the Court is the Motion in Limine [# 151]. Defendant Fred Leonard (“Defendant”) moves to exclude any evidence related to any disciplinary proceedings by the North Carolina Real Estate Commission or any related allegation. On December 5, 2014, the Court held the Final Pretrial Conference in this matter and heard oral argument as to the pending Motions in Limine.

To the extent that Defendant seeks to exclude any factual allegations as set forth in the Amended Complaint, the Court **DENIES** the motion [# 151]. By virtue of the Court’s prior Orders, Defendant has admitted to the factual allegations as set forth in the Amended Complaint; the Jury will receive a copy of and/or be read those allegations in open court. Defendant may not contest these factual allegations at trial.

To the extent that Defendant seeks to exclude any additional testimony or evidence in this matter regarding any such disciplinary proceedings, the Court **DENIES without prejudice** the motion [# 151]. The Court **INSTRUCTS** Plaintiff that prior to offering such testimony to inform the Court, and the Court will allow Defendant an opportunity to renew its motion. The Court will then consider the motion in light of the evidence at trial. The Court, however, cautions counsel for Defendant that by eliciting testimony from its witnesses as to this topic, the Court may find that Defendant has opened the door to Plaintiff to present additional evidence and testimony as to any disciplinary proceedings and/or the fact that the marketing agreement was declared illegal.

Signed: January 5, 2015



Dennis L. Howell
United States Magistrate Judge

