

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SPEAR, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
FENKELL, et al.	:	NO. 13-2391

ORDER

The defendants, Stonehenge Financial Holdings, Inc., John P. Witten, Barry Gowdy, and Ronald D. Brooks (the “Stonehenge Parties”) filed a motion in limine to preclude the testimony of plaintiff’s fact witness, John Roberts. Doc. No. 629 (motion) 629-1 (memorandum in support). For the reasons described in the Memorandum filed with this Order, it is on this 29th day of December, 2016,

ORDERED

As follows,

1. That the Alliance Parties shall produce Mr. Roberts’ reports, including those reports previously withheld as privileged on or before January 3, 2017, in unredacted form, or be barred from using Roberts as a witness. These reports may not be used by any party other than in connection with cross-examination of Roberts at trial. These reports may not be copied or discussed with anyone other than the trial attorneys and their assistants in this case. Alliance shall submit an appropriate protective order.

2. That on or before January 3, 2017, Alliance shall produce complete information detailing how much Roberts (and his employer, Deloitte) were paid for the internal investigation.

3. That the Alliance parties must wait until their last allotted trial day to put

on Roberts, in order to give the Stonehenge Parties sufficient time to review the reports and statements produced on January 3, 2017.

4. That the following restrictions are imposed on Mr. Roberts' testimony:

A. Mr. Roberts may "testify about the extensive process and procedure he undertook to uncover [Fenkell's] scheme, not to the facts he found." Mr. Roberts may not offer opinions, lay or expert, on these processes and procedures.

B. Mr. Roberts may testify to the fact that he supplied his reports verbally to Alliance agents or directors. He may not testify about the reaction of any Alliance witnesses to the results of his reports.

BY THE COURT:

s/Richard A. Lloret _____
RICHARD A. LLORET
UNITED STATES MAGISTRATE JUDGE