

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 7 -692
	)	
MAGAZINE SOLUTIONS, LLC, <i>et al.</i>	)	
	)	
Defendants.	)	

AMBROSE, Chief District Judge

**OPINION**  
**and**  
**ORDER OF COURT**

Defendants have filed a Joint Motion in Limine to Exclude Press Releases From Various Attorneys General (PX 53). See Docket No. [179]. The exhibits at issue consist of a press release from the Attorney General from the State of Iowa, a press release from the Attorney General from the State of West Virginia and a printout from the Consumer Affairs Website (consumeraffairs.com). Each exhibit pertains to fraudulent schemes run by Coupon Connection of America, Inc. - the third party coupon provider the Defendants used during a portion of the time relevant to the matters at issue in the Complaint. The Defendants seek to exclude these exhibits under Federal Rules of Evidence 401 and 402 as irrelevant, under Rules 801 and 803 as hearsay, and under Rules 901 and 902 as not properly authenticated.

After careful consideration, the Motion is granted. I agree with the Defendants that the Exhibits at issue are not relevant to the matters at hand. The fact that Coupon Connection of America "operated a pyramid scheme which defrauded customers" does not have any tendency to make the existence of any fact that is of consequence to the determination of this action more or less probable than it would be without the evidence. See F.R.E. 401. The exhibits make no mention of the Defendants. Further, the business practices at issue in those exhibits

differ from those attributed by the FTC to the Defendants in this case. The FTC's contention that the evidence is relevant because it demonstrates that information about Coupon Connection of America, Inc. was easily accessible via the Internet and that the Defendants therefore should have been aware that customer complaints regarding coupons were valid is unpersuasive. The FTC has not provided any case law suggesting that Defendants were somehow obligated to conduct research on its third party coupon provider. Nor did the FTC provide evidence that the Defendants were actually aware of the Coupon Connection of America's legal troubles.

Because I grant the Motion on the grounds of lack of relevance, I need not address the challenges to hearsay and authentication.

AND NOW, this 10<sup>th</sup> day of March, 2009, the Motion in Limine (Docket No. 179) is GRANTED.

BY THE COURT:

/s/Donetta W. Ambrose  
Donetta W. Ambrose,  
Chief U.S. District Judge