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

OFFICIAL COMMITTEE OF UNSECURED CREDITORS, on behalf of the estate of LEMINGTON HOME FOR THE AGED,

Plaintiff,

v.

ARTHUR BALDWIN, et al.,

Defendants.

10cv800
ELECTRONICALLY FILED

ORDER OF COURT RE:
PARTIES' ADDITIONAL MOTIONS IN LIMINE/EXHIBIT OBJECTIONS

Based upon the Court's instructions, the parties were permitted to file additional Motions in Limine and responses thereto by set dates. Four additional Motions in Limine are pending before this Court.

AND NOW, this 5th day of February 2013, after careful consideration of the Motions in Limine pending before this Court (Doc. Nos. 481, 483, 485, 494) and the Responses in Opposition (Doc. Nos. 497, 498, 499), IT IS HEREBY ORDERED THAT:

1. Defendants' Motion in Limine on Causation (Doc. No. 481) is **GRANTED**. Plaintiff is required to prove that any alleged breaches of fiduciary duty or deepening insolvency caused the damages alleged. Therefore, Defendants may argue that their actions and/or inactions did not cause harm to the Home. However, they may not challenge the specific amounts of proofs of claims.

2. The following Defendants' Objections to Certain of Plaintiff's Rule 1006 Exhibits (Doc. No. 485) are **OVERRULED**:

    - P-224; and
    - P-225.

    Defendants' objection to the following Rule 1006 Exhibit is **SUSTAINED**:

    - P-227 because it does not state that the number is based upon a summation of proofs of claims. Further, Plaintiff may not use the word "minimum." Plaintiff may file a new P-227 on or before February 8, 2013, at NOON.

3. The following Plaintiff's Objections to Certain of Defendants' Demonstrative Exhibits (Doc. Nos. 483 & 494) are **OVERRULED**[1]:

    - D-58 (D-94);
    - D-59 (D-95);
    - D-60 (D-96);
    - D-61 (D-97);
    - D-62 (D-98);
    - D-63 (D-99);
    - D-64 (D-100);
    - D-67 (D-103);
    - D-68 (D-104);
    - D-69 (D-105);
    - D-70 (D-106);
    - D-71 (D-107);
    - D-72 (D-108);
    - D-73 (D-109);
    - D-74 (D-110);
    - D-75 (D-111);
    - D-76 (D-112);
    - D-77 (D-113);
    - D-78 (D-114);
    - D-79 (D-115);
    - D-80 (D-116);
    - D-81 (D-117);

[1] At the Court's direction, the parties filed a joint document clarifying the numbering of Defendants' exhibits. Doc. No. 505. This Order has the "old" number of the exhibit followed by the new exhibit number, which will be used hereafter.

- D-82 (D-118);
- D-83 (D-119);
- D-84 (D-120);
- D-85 (D-121);
- D-86 (D-122);
- D-87 (D-123);
- D-88 (D-124); and
- D-89 (D-125) (except as outlined in this Court's Order re. Parties' Objections to PowerPoints).

Plaintiff's objections to the following Demonstrative Exhibits are **SUSTAINED**:

- D-65 (D-101); and
- D-66 (D-102).

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties