

Table of Contents

CHAPTER 1. MOTION IN LIMINE LAW

I. OVERVIEW

A. IN LIMINE LAW AND PROCEDURE

- § 1:1 Description and purposes of motion
- § 1:2 Authority for motion
- § 1:3 Use of newly created Illinois Rules of Evidence
- § 1:4 Typical use of motion
- § 1:5 —Limitations on use
- § 1:6 —Court's options re: motions in limine
- § 1:7 —Trial court must rule on a motion regarding a defendant's convictions as impeachment
- § 1:8 —Court's options re: motions in limine—Enter clear order and advise witnesses of rulings
- § 1:9 — —Violation of in limine order
- § 1:10 —Preservation of objections—Must object at trial—Civil cases
- § 1:11 — — —Preservation of objections—Distinguish criminal cases
- § 1:12 — — — —How to preserve error
- § 1:13 — — — —Appellate review
- § 1:14 Timing of motion
- § 1:15 Scope of motion
- § 1:16 Procedural requirements—Oral motions
- § 1:17 —Local rules
- § 1:18 — —Caution regarding local rules
- § 1:19 Important citation considerations

B. DRAFTING SUGGESTIONS

- § 1:20 Overview
- § 1:21 —Be clear
- § 1:22 —Be succinct
- § 1:23 —Have a legal basis for exclusion
- § 1:24 —Include all possible grounds for exclusion

II. SAMPLES

- § 1:25 Sample in limine brief
- § 1:26 Sample in limine order

CHAPTER 2. PREJUDICIAL EVIDENCE

I. MOTION AUTHORITIES

A. MOTION TO EXCLUDE PREJUDICIAL EVIDENCE, GENERALLY

- § 2:1 Suggested motion text
- § 2:2 Motion summary
- § 2:3 Supporting authorities—Exclusion of prejudicial evidence
- § 2:4 Opposing authorities

B. MOTION TO EXCLUDE EVIDENCE THAT WILL WASTE TIME

- § 2:5 Suggested motion text
- § 2:6 Motion summary
- § 2:7 Supporting authorities—Exclusion of time-wasting evidence
- § 2:8 Opposing authorities

C. MOTION TO EXCLUDE CONFUSING OR MISLEADING EVIDENCE

- § 2:9 Suggested motion text
- § 2:10 Motion summary
- § 2:11 Supporting authorities—Exclusion of confusing or misleading evidence
- § 2:12 Opposing authorities

D. MOTION TO EXCLUDE EVIDENCE USED TO CREATE AN EMOTIONAL BIAS

- § 2:13 Suggested motion text
- § 2:14 Motion summary
- § 2:15 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 2:16 —Exclusion of evidence intended to inflame jurors' emotions
- § 2:17 —Jurors' self interest as taxpayers and consumers
- § 2:18 —“Golden rule” argument
- § 2:19 Opposing authorities

E. MOTION TO EXCLUDE OR LIMIT CUMULATIVE EVIDENCE

- § 2:20 Suggested motion text
- § 2:21 Motion summary

TABLE OF CONTENTS

- § 2:22 Supporting authorities—Exclusion of time-wasting evidence
- § 2:23 —Exclusion of cumulative evidence
- § 2:24 —Articles, letters and documents
- § 2:25 —Credentials
- § 2:26 —Number of witnesses
- § 2:27 —Photographs
- § 2:28 —Reports and records
- § 2:29 —Videotape evidence
- § 2:30 Opposing authorities—General authority
- § 2:31 —Number of witnesses
- § 2:32 —Videotape evidence
- § 2:33 —Witness credentials

II. SAMPLE MOTIONS

- § 2:34 Motion to exclude confusing evidence
- § 2:35 Motion to exclude cumulative evidence
- § 2:36 Motion to exclude prejudicial evidence
- § 2:37 Motion to exclude evidence of defendant's poverty
- § 2:38 Motion to exclude evidence that will confuse the jury
- § 2:39 Opposition to motion to exclude evidence that will confuse the jury
- § 2:40 Opposition to motion to exclude prejudicial evidence
- § 2:41 Opposition to motion to exclude expert witnesses' testimony

CHAPTER 3. IRRELEVANT EVIDENCE

I. MOTION AUTHORITIES

A. MOTION TO EXCLUDE IRRELEVANT EVIDENCE

- § 3:1 Suggested motion text
- § 3:2 Motion summary
- § 3:3 Supporting authorities—Exclusion of irrelevant evidence, generally
- § 3:4 —Matters not in dispute
- § 3:5 —No unlimited inquiry
- § 3:6 —Other states' laws
- § 3:7 —Outside pleadings
- § 3:8 —Prejudicial
- § 3:9 —Speculative evidence
- § 3:10 Opposing authorities

B. MOTION TO EXCLUDE EVIDENCE OF MATTERS NOT IN CONTROVERSY

- § 3:11 Suggested motion text

- § 3:12 Motion summary
- § 3:13 Supporting authorities—Exclusion of irrelevant evidence, generally
- § 3:14 — —Admitted or uncontroverted matters
- § 3:15 — —Collateral issues
- § 3:16 — —Unpleaded issues
- § 3:17 Opposing authorities
- § 3:18 —Collateral issues
- § 3:19 —Estoppel: unpleaded and stipulated issues
- § 3:20 —Where relevant to other issues
- § 3:21 —Not a binding judicial admission

II. SAMPLE MOTIONS

- § 3:22 Motion to exclude irrelevant evidence
- § 3:23 Motion to exclude evidence of physical conditions not at issue
- § 3:24 Motion to exclude collateral and irrelevant evidence
- § 3:25 Motion to exclude evidence relating to unpleaded issues
- § 3:26 Motion to exclude speculative evidence
- § 3:27 Motion to exclude matters not in controversy

CHAPTER 4. WRITINGS & PHYSICAL EVIDENCE

I. MOTION AUTHORITIES

A. MOTION TO EXCLUDE EVIDENCE LACKING FOUNDATION

- § 4:1 Suggested motion text
- § 4:2 Motion summary
- § 4:3 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:4 —Foundations, generally—Definitions
- § 4:5 — —Offer of proof
- § 4:6 — —Determination out of jury presence
- § 4:7 —Rule of completeness not applied
- § 4:8 —Foundations, generally—Inadmissibility of evidence lacking foundation
- § 4:9 —Examples of improper foundations—Photographs
- § 4:10 — —Tape recordings
- § 4:11 — —Tests and experiments
- § 4:12 — —Videotapes and motion pictures
- § 4:13 — —Witness testimony—Experts
- § 4:14 — — —Lay
- § 4:15 — — —Writings

TABLE OF CONTENTS

- § 4:16 — —Emails
- § 4:17 — —Medical records and reports
- § 4:18 — —Judicial notice not proper
- § 4:19 Opposing authorities—General
- § 4:20 —Rule of completeness
- § 4:21 —Judicial notice
- § 4:22 —Conditional admissibility
- § 4:23 —No offer of proof needed

B. MOTION TO EXCLUDE WRITINGS, GENERALLY

- § 4:24 Suggested motion text
- § 4:25 Motion summary
- § 4:26 Supporting authorities—“Writing” defined
- § 4:27 —Unauthenticated writings—General authentication requirement
- § 4:28 — —Exclusion of unauthenticated writings
- § 4:29 —Inadmissible secondary evidence
- § 4:30 —Inadmissible written hearsay
- § 4:31 — —Generally
- § 4:32 — —Examples of inadmissible written hearsay
- § 4:33 Opposing authorities—Authentication
- § 4:34 —Secondary evidence
- § 4:35 —Hearsay
- § 4:36 — —Impeachment
- § 4:37 — —Not offered for proof of contents
- § 4:38 — —Non-hearsay evidence
- § 4:39 — —Non-assertive conduct
- § 4:40 — —Multiple hearsay
- § 4:41 — —Relevant
- § 4:42 — —Hearsay exceptions

C. MOTION TO EXCLUDE GRUESOME OR INFLAMMATORY PHOTOGRAPHS

- § 4:43 Suggested motion text
- § 4:44 Motion summary
- § 4:45 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:46 —Exclusion of irrelevant evidence, generally
- § 4:47 —Gruesome or inflammatory photographs
- § 4:48 —Purpose to inflame jurors’ emotions
- § 4:49 —Other grounds
- § 4:50 Opposing authorities

D. MOTION TO EXCLUDE PREJUDICIAL FILM OR VIDEOTAPES

- § 4:51 Suggested motion text

- § 4:52 Motion summary
- § 4:53 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:54 —Exclusion of videotape evidence
- § 4:55 —Other grounds
- § 4:56 Opposing authorities—Generally
- § 4:57 —Relevance
- § 4:58 —Cautionary admonition

E. MOTION TO EXCLUDE PUBLISHED ARTICLES AND TEXTS

- § 4:59 Suggested motion text
- § 4:60 Motion summary
- § 4:61 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:62 —Exclusion of published articles—Cumulative
- § 4:63 — —Hearsay
- § 4:64 — —Prejudicial
- § 4:65 — —Other grounds
- § 4:66 Opposition authorities—Where relevant to issues
- § 4:67 —Nonhearsay

F. MOTION TO EXCLUDE POLICE REPORTS AND OTHER TYPES OF ACCIDENT REPORTS

- § 4:68 Suggested motion text
- § 4:69 Motion summary
- § 4:70 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:71 —Exclusion based upon vehicle code § 5/11-412
- § 4:72 —Inadmissible hearsay
- § 4:73 —Statements and opinions in reports
- § 4:74 —Other grounds
- § 4:75 Opposing authorities—Report used to refresh recollection
- § 4:76 —Diagrams made at scene
- § 4:77 —Business records exception to hearsay rule
- § 4:78 —Public records exception to hearsay rule

G. MOTION TO EXCLUDE LETTERS AND EMAILS

- § 4:79 Suggested motion text
- § 4:80 Motion summary
- § 4:81 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:82 —Exclusion of letters and emails—Generally
- § 4:83 — —Hearsay

TABLE OF CONTENTS

- § 4:84 — —Irrelevant
- § 4:85 —Exclusion of letters—Lack of foundation
- § 4:86 —Other grounds
- § 4:87 Opposing authorities—Generally—Admissible hearsay or nonhearsay
- § 4:88 — —Relevant
- § 4:89 — —Impeachment
- § 4:90 —Exceptions to hearsay rule
- § 4:91 — —Business records exception
- § 4:92 — —Public records exception
- § 4:93 —Inconsistent statement

H. MOTION TO EXCLUDE MAPS, MODELS & CHARTS

- § 4:94 Suggested motion text
- § 4:95 Motion summary
- § 4:96 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:97 —Exclusion of maps, models or charts
- § 4:98 —Other grounds
- § 4:99 Opposing authorities—Demonstrative purposes
- § 4:100 —Where accuracy not disputed
- § 4:101 —Relevant to issues
- § 4:102 —As a business record

I. MOTION TO EXCLUDE IMPROPER MEDICAL RECORDS, REPORTS OR BILLS

- § 4:103 Suggested motion text
- § 4:104 Motion summary
- § 4:105 Supporting authorities—Exclusion of prejudicial matter, generally
- § 4:106 —Improper foundation, generally
- § 4:107 — —Criminal vs. civil cases
- § 4:108 —Medical opinions—Improper hearsay evidence
- § 4:109 — —Opinions of others—Lack of personal knowledge
- § 4:110 —Patient medical history
- § 4:111 —Billing records—Lack of foundation
- § 4:112 — — —Failure to pay medical bill
- § 4:113 —Other grounds
- § 4:114 Opposition citations—Proper authentication
- § 4:115 —Opinions of others—Opinion used in formation of diagnosis and treatment
- § 4:116 — —Business records exception
- § 4:117 —Patient history—Observations of physician
- § 4:118 — —Pertinent to medical diagnosis
- § 4:119 —Medical billing records—Reasonableness of charges

J. MOTION TO EXCLUDE SOCIAL MEDIA EVIDENCE

- § 4:120 Suggested motion text
- § 4:121 Motion summary
- § 4:122 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 4:123 —Exclusion of social media evidence—Generally
- § 4:124 — —Hearsay
- § 4:125 — —Lack of foundation or authentication
- § 4:126 —Other grounds
- § 4:127 Opposing authorities—Generally
- § 4:128 —Nonhearsay
- § 4:129 —Proper foundation or authentication

II. SAMPLE MOTIONS

- § 4:130 Motion to exclude gruesome photographs
- § 4:131 Motion to exclude demonstration
- § 4:132 Motion to exclude emailed letter
- § 4:133 Motion to exclude plaintiff's medical history
- § 4:134 Motion to exclude newspaper article
- § 4:135 Motion to exclude evidence of inflammatory and prejudicial photographs
- § 4:136 Motion to exclude demonstration of defendant's tattoos
- § 4:137 Motion to exclude social media evidence
- § 4:138 Motion to exclude map
- § 4:139 Motion to exclude unauthenticated video recording and photographs
- § 4:140 Motion to exclude accident report
- § 4:141 Motion to exclude text messages
- § 4:142 Motion to exclude medical bills
- § 4:143 Opposition to motion to exclude social media evidence
- § 4:144 Opposition to motion to exclude prejudicial photographs
- § 4:145 Opposition to motion to exclude text messages

CHAPTER 5. TESTS & RELATED SCIENTIFIC EVIDENCE

I. MOTION AUTHORITIES

A. MOTION TO EXCLUDE TESTS, EXPERIMENTS AND RELATED TESTIMONY AND EVIDENCE

- § 5:1 Suggested motion text
- § 5:2 Motion summary

TABLE OF CONTENTS

§ 5:3	Supporting authorities—Expert not qualified to testify on subject
§ 5:4	—Not generally accepted
§ 5:5	— <i>Donaldson</i> decision
§ 5:6	—Test not made under substantially similar conditions
§ 5:7	—Not reliable
§ 5:8	—Scientific procedures not proper
§ 5:9	—Speculative or conjectural
§ 5:10	—Too time-consuming
§ 5:11	—Appellate review of trial judge’s <i>Frye</i> decisions
§ 5:12	—Other grounds
§ 5:13	Opposing authorities—Court’s discretion
§ 5:14	—Identical conditions requirement
§ 5:15	—General acceptance
§ 5:16	—Level of acceptance in scientific community
§ 5:17	—Weight vs. admissibility
§ 5:18	—Improper testing and weight of testimony
§ 5:19	—Outside realm of <i>Frye</i> requirements

B. MOTION TO EXCLUDE “JUNK SCIENCE” AND RELATED EVIDENCE

§ 5:20	Suggested motion text
§ 5:21	Motion summary
§ 5:22	Supporting authorities—Exclusion of new scientific evidence—Generally
§ 5:23	—Hedonic damage evidence
§ 5:24	—“Truth-serum” evidence
§ 5:25	—Polygraph evidence
§ 5:26	—Refusal to take polygraph test
§ 5:27	—Psychological tests and syndromes—In general
§ 5:28	—Rape trauma syndrome
§ 5:29	—Child molestation syndrome
§ 5:30	—Electronic penile plethysmograph test
§ 5:31	—Hypnosis evidence—Civil cases
§ 5:32	—Voiceprint identification
§ 5:33	—Accident reconstruction evidence
§ 5:34	—Biomechanical evidence
§ 5:35	—Low-speed impact cases
§ 5:36	—Statistical evidence—Exclusion of confusing evidence, generally
§ 5:37	—Disapproved statistics evidence
§ 5:38	—Statistics in employment discrimination cases
§ 5:39	—Blood hound evidence
§ 5:40	Opposing authorities—In general
§ 5:41	—Weight vs. admissibility
§ 5:42	—Where <i>Frye</i> test not required

- § 5:43 — —Approved tests
- § 5:44 — —Judicial notice
- § 5:45 —Hedonic damages
- § 5:46 —Truth serum
- § 5:47 —Polygraph evidence—Stipulation or agreement of parties
- § 5:48 — —Where used for investigative purposes
- § 5:49 —Psychological tests and syndromes—Rape trauma syndrome
- § 5:50 — —Child molestation syndrome
- § 5:51 —Hypnosis evidence
- § 5:52 —Statistics evidence—General acceptance
- § 5:53 — —Weight vs. admissibility relating to statistics issue
- § 5:54 — —Compare: psychological profiling
- § 5:55 —Accident reconstruction and biomechanical evidence

II. SAMPLE MOTIONS

- § 5:56 Motion to exclude evidence of statistical analysis
- § 5:57 Motion to exclude evidence of polygraph examination
- § 5:58 Motion to exclude evidence of hypnotic interview
- § 5:59 Motion to exclude expert testimony
- § 5:60 Motion to exclude expert testimony (credibility of witness)
- § 5:61 Motion to exclude biomechanic evidence
- § 5:62 Motion to exclude expert testimony on ground that it is not the product of reliable principles and methods

CHAPTER 6. DISCOVERY MOTIONS

I. MOTION AUTHORITIES

A. MOTION FOR EVIDENTIARY SANCTIONS

- § 6:1 Suggested motion text
- § 6:2 Motion summary
- § 6:3 Supporting authorities—General authority [Ill. S. Ct. R. 219]—Misuse of discovery process
- § 6:4 — —Evidence sanction
- § 6:5 — —Issue sanction
- § 6:6 — —Terminating sanction
- § 6:7 — —When prior attempts to resolve discovery issues without court intervention unnecessary [Ill. S. Ct. R. 201(k)]
- § 6:8 —Compelling parties and controlled witnesses' attendance
- § 6:9 —Depositions—Depositions, generally
- § 6:10 — —Compelling deposition answers

TABLE OF CONTENTS

- § 6:11 — —Failure to comply with discovery order re deposition
- § 6:12 — —Evidence exclusion arising from deposition misconduct
- § 6:13 —Interrogatories [Ill. S. Ct. R. 213]—Interrogatories, generally
- § 6:14 —Interrogatories [Ill. S. Ct. R.213]—Compelling interrogatory responses
- § 6:15 —Interrogatories [Ill. S. Ct. R. 213]—Failure to comply with discovery order re interrogatories
- § 6:16 — —Evidence exclusion arising from incomplete interrogatory responses
- § 6:17 —Production requests [Ill. S. Ct. R. 214]—Production requests, generally
- § 6:18 — —Compelling production requests
- § 6:19 — —Failure to comply with discovery order re production request
- § 6:20 —Mental and physical examinations [Ill. S. Ct. R. 215]—Examinations, generally
- § 6:21 — —Moving to compel examination
- § 6:22 — —Failure to comply with discovery order re examination
- § 6:23 —Requests for admission [Ill. S. Ct. R. 216]—Requests for admission, generally
- § 6:24 — —Effect of admission or failure to provide timely denial
- § 6:25 — —Evidence preclusion arising from admitted facts and issues
- § 6:26 — —Restriction on amending admissions
- § 6:27 —Other grounds
- § 6:28 Opposing authorities—Generally
- § 6:29 — —Other remedies available
- § 6:30 —Compelling parties and controlled witnesses’ attendance
- § 6:31 —Depositions
- § 6:32 —Interrogatories
- § 6:33 —Requests for production
- § 6:34 —Requests for admission
- § 6:35 — —Waiver by party seeking admission
- § 6:36 — —Compare: binding admissions at deposition

B. MOTION TO EXCLUDE EVIDENCE OF CLAIMS DENIED DURING DISCOVERY

- § 6:37 Suggested motion text
- § 6:38 Motion summary
- § 6:39 Supporting authorities—Exclusion of prejudicial evidence, generally

- § 6:40 — —Unfair surprise
- § 6:41 — —Where privilege raised during discovery
- § 6:42 —Other grounds
- § 6:43 Opposing authorities—Generally
- § 6:44 —Lack of surprise

C. MOTIONS REGARDING EXPERT DISCLOSURES AND EXPERT DEPOSITIONS

- § 6:45 Suggested motion text
- § 6:46 Motion summary
- § 6:47 Supporting authorities—Improper expert witness disclosure
 - § 6:48 — —Insufficient expert disclosure
 - § 6:49 — —Undisclosed witness
 - § 6:50 —Opinions not referenced at deposition
- § 6:51 Opposing authorities—Expert witness disclosures
 - § 6:52 — —Continuance to depose or retain expert
 - § 6:53 — —Compare: treating physicians
 - § 6:54 —Undisclosed opinions of expert—Lack of surprise or partial compliance
- § 6:55 — —No effort to follow up by deposing party
- § 6:56 — —Opportunity to re-depose experts

D. MOTION TO EXCLUDE STATUTORILY PRIVILEGED INFORMATION

- § 6:57 Suggested motion text
- § 6:58 Motion summary
- § 6:59 Supporting authorities—Generally
 - § 6:60 —740 ILCS 110/10 (therapist privilege)
 - § 6:61 —735 ILCS 5/8-803 (clergy privilege)
 - § 6:62 —735 ILCS 5/8-2101 (Medical Studies Act)
 - § 6:63 —735 ILCS 5/8-801 (husband and wife privilege)
 - § 6:64 —735 ILCS 5/8-802 (physician and patient privilege)
 - § 6:65 —Ill. S. Ct. R. 201 (work product/attorney and client)
 - § 6:66 —Informants privilege
 - § 6:67 —Reporters privilege—735 ILCS 5/8-901
 - § 6:68 —Surveillance location privilege (privilege established by case law)
- § 6:69 Opposing authorities—735 ILCS 5/8-802.3 (informant's privilege)
 - § 6:70 —740 ILCS 110/10 (therapist privilege)
 - § 6:71 —735 ILCS 5/8-803 (clergy privilege)
 - § 6:72 —735 ILCS 5/8-801 (husband and wife privilege)
 - § 6:73 —735 ILCS 5/8-802 (physician and patient privilege)
 - § 6:74 —735 ILCS 5/8-2101 (Medical Studies Act)
 - § 6:75 —Relevant to issues

TABLE OF CONTENTS

- § 6:76 —Work product / attorney and client
- § 6:77 —Informant's privilege not applicable
- § 6:78 —Surveillance location privilege not applicable
(Privilege established by case law)

II. SAMPLE MOTIONS

- § 6:79 Motion to exclude evidence of wage loss claim denied during discovery
- § 6:80 Motion to exclude evidence of medical bills for services obtained after [Date]
- § 6:81 Motion to exclude testimony of undisclosed witness
- § 6:82 Motion to exclude evidence produced beyond discovery deadline
- § 6:83 Motion to deem matters admitted
- § 6:84 Motion for sanction establishing facts
- § 6:85 Motion to exclude expert testimony relating to matters not disclosed during discovery
- § 6:86 Motion for evidentiary sanctions for failure to serve answers/objections to interrogatories
- § 6:87 Motion for order rendering default judgment as discovery sanction
- § 6:88 Opposition to defendants' motion to limit plaintiff's expert's opinions
- § 6:89 Motion to dismiss action as discovery sanction

CHAPTER 7. CHARACTER EVIDENCE

I. MOTION AUTHORITIES

A. OVERVIEW OF CHARACTER EVIDENCE

- § 7:1 Admissible character evidence, generally
- § 7:2 Character evidence subject to exclusion
- § 7:3 Statutory limitations on use in criminal cases

B. MOTION TO EXCLUDE CHARACTER EVIDENCE USED FOR IMPEACHMENT

- § 7:4 Suggested motion text
- § 7:5 Motion summary
- § 7:6 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 7:7 —Exclusion of irrelevant evidence, generally
- § 7:8 —Exclusion of improper impeachment evidence, generally
- § 7:9 — —Alcohol consumption
- § 7:10 — —Arrest or misdemeanor convictions that do not involve truth or dishonesty

- § 7:11 — —Drug use
- § 7:12 — —Felony convictions improperly used for
impeachment
- § 7:13 — —Fraudulent acts
- § 7:14 — —Good character of witness
- § 7:15 — —Religious beliefs
- § 7:16 — —Sexual preference or behavior
- § 7:17 — —Other grounds
- § 7:18 Opposing authorities—Impeachment, generally
- § 7:19 — —Witness veracity
- § 7:20 — —Facts at issue/relevant
- § 7:21 — —Alcohol consumption or narcotics (witness
perceptions)
- § 7:22 — —Felony convictions
- § 7:23 — —Good reputation of witness
- § 7:24 — —Religious beliefs

C. MOTION TO EXCLUDE CHARACTER EVIDENCE USED TO PROVE CONDUCT

- § 7:25 Suggested motion text
- § 7:26 Motion summary
- § 7:27 Supporting authorities—Exclusion of prejudicial
evidence, generally
- § 7:28 — —Exclusion of irrelevant evidence, generally
- § 7:29 — —Exclusion of improper character evidence
- § 7:30 — —Care or skill in negligence cases
- § 7:31 — —Crimes evidence, generally
- § 7:32 — —Other grounds
- § 7:33 Opposing authorities—Court’s discretion
- § 7:34 — —Relevant to material issue
- § 7:35 — —Witness impeachment
- § 7:36 — —Trait at issue
- § 7:37 — —Admissible by statute

D. MOTION TO EXCLUDE EVIDENCE OF PRIOR FELONY CONVICTION

- § 7:38 Suggested motion text
- § 7:39 Motion summary
- § 7:40 — —“General rule” of admissibility of crimes evidence
- § 7:41 Supporting authorities—Balancing prejudicial impact
of felony evidence under Ill. Evid. Rule 609
- § 7:42 — —Statutory exceptions [Ill. Evid. Rule 609(b)–(d)]—
Convictions that are too remote
- § 7:43 — —Effect of pardon, annulment or certificate of
rehabilitation
- § 7:44 — —Evidence of juvenile adjudications

TABLE OF CONTENTS

- § 7:45 — —Pendency of appeal
- § 7:46 —Dissimilar behavior
- § 7:47 —Improper impeachment evidence—Must reflect on credibility
- § 7:48 — —Impeachment in civil cases
- § 7:49 —Irrelevant character evidence
- § 7:50 —Other grounds
- § 7:51 Opposing authorities—General rule: admissibility of prior convictions
- § 7:52 —Additional statutory authorities
- § 7:53 —Pendency of appeal

II. SAMPLE MOTIONS

- § 7:54 Motion to exclude evidence of alcoholism of eyewitness
- § 7:55 Motion to exclude improper character evidence (marital infidelity)
- § 7:56 Motion to exclude evidence of religious beliefs
- § 7:57 Motion to exclude improper character evidence (juvenile adjudication)
- § 7:58 Motion to exclude improper character evidence (prescription drug abuse)
- § 7:59 Motion to exclude evidence of prior arrest of witness
- § 7:60 Motion to exclude evidence regarding witness's mental health
- § 7:61 Opposition to motion to exclude inflammatory evidence

CHAPTER 8. WITNESS EVIDENCE

I. MOTION AUTHORITIES

A. MOTION TO EXCLUDE IMPROPER OPINIONS

- § 8:1 Suggested motion text
- § 8:2 Motion summary
- § 8:3 Supporting authorities—Exclusion of improper opinion, generally
 - § 8:4 — —Exclusion of improperly disclosed opinion
 - § 8:5 — —Unqualified expert
 - § 8:6 —Hypothetical questions
 - § 8:7 —Inadmissible hearsay
 - § 8:8 — —Opinions of others
 - § 8:9 — —Statements of others
 - § 8:10 — —Treatises, documents & texts
 - § 8:11 —Legal questions
 - § 8:12 — —Compare: ultimate issues
 - § 8:13 —Matters of common experience
 - § 8:14 —Not reasonably relied upon by experts

- § 8:15 —Not perceived or personally known
- § 8:16 —Speculation or conjecture
- § 8:17 —Other grounds
- § 8:18 Opposing authorities—Generally
- § 8:19 —Hearsay
- § 8:20 —Hypothetical questions
- § 8:21 —Legal questions vs. ultimate issues
- § 8:22 —Opinions of others
- § 8:23 —Not speculative, for jury to resolve

**B. MOTION TO EXCLUDE TESTIMONY OF
UNQUALIFIED EXPERT**

- § 8:24 Suggested motion text
- § 8:25 Motion summary
- § 8:26 Supporting authorities—Exclusion of unqualified
experts
- § 8:27 —Other grounds
- § 8:28 Opposing authorities—Generally

**C. MOTION TO EXCLUDE OPINION OF NON-
EXPERT**

- § 8:29 Suggested motion text
- § 8:30 Motion summary
- § 8:31 Supporting authorities—Exclusion of non-expert
opinion
- § 8:32 — —Causation
- § 8:33 — —Legal opinions
- § 8:34 — —Lay experiments
- § 8:35 —Other grounds
- § 8:36 Opposing authorities—Perceptions of witness
- § 8:37 — —Sanity and mental state
- § 8:38 —Helpful to clear understanding

**D. MOTION TO EXCLUDE TESTIMONY OF
INCOMPETENT WITNESS**

- § 8:39 Suggested motion text
- § 8:40 Motion summary
- § 8:41 Supporting authorities—Generally
- § 8:42 —Children
- § 8:43 —Lack of personal knowledge of subject matter
- § 8:44 —Other grounds
- § 8:45 Opposing authorities—General authority
- § 8:46 —Children
- § 8:47 —Mental competence/insanity

TABLE OF CONTENTS

**E. MOTION TO EXCLUDE TESTIMONY OF
JUDGE, ARBITRATOR, MEDIATOR OR JUROR**

- § 8:48 Suggested motion text
- § 8:49 Motion summary
- § 8:50 Supporting authorities—Judge as witness
- § 8:51 —Arbitrator or mediator as witness
- § 8:52 —Juror as witness
- § 8:53 —Special witness doctrine
- § 8:54 —Attorney as witness
- § 8:55 Opposing authorities—General authority

**F. MOTION TO EXCLUDE WITNESS FROM
COURTROOM PRIOR TO TESTIFYING**

- § 8:56 Suggested motion text
- § 8:57 Motion summary
- § 8:58 Supporting authorities—Exclusion of non-party
witnesses from courtroom
- § 8:59 Opposing authorities—Generally
- § 8:60 —Discretionary decision
- § 8:61 —Cannot exclude party, or related witnesses
- § 8:62 —Proper remedy for exclusion order violation

**G. MOTION TO EXCLUDE COMMENT ON
EXERCISE OF PRIVILEGE (NOT TO TESTIFY)**

- § 8:63 Suggested motion text
- § 8:64 Motion summary
- § 8:65 Supporting authorities—No-comment rule
- § 8:66 Opposing authorities
- § 8:67 —Allowable inferences
- § 8:68 —Consequences of silence in civil cases
- § 8:69 —Waiver

**H. MOTION TO EXCLUDE EVIDENCE OF NON-
CALLED WITNESSES**

- § 8:70 Suggested motion text
- § 8:71 Motion summary
- § 8:72 Supporting authorities—Exclusion of prejudicial
evidence, generally
- § 8:73 —Where witness was equally available to testify
- § 8:74 —Where comments would invite speculation
- § 8:75 —Where other adequate testimony
- § 8:76 —Other grounds
- § 8:77 Opposition citations—Generally

I. MOTION TO EXCLUDE HEARSAY STATEMENTS

- § 8:78 Suggested motion text
- § 8:79 Motion summary
- § 8:80 Supporting authorities—General authority for exclusion
- § 8:81 —Purpose of rule
- § 8:82 Opposing authorities—Generally
- § 8:83 —Non-hearsay evidence
- § 8:84 —Non-assertive conduct
- § 8:85 —Multiple hearsay
- § 8:86 —Hearsay used for impeachment
- § 8:87 —Hearsay exceptions
- § 8:88 — —Purpose of hearsay exceptions
- § 8:89 — —Examples of exceptions applicable to hearsay statements

II. SAMPLE MOTIONS

- § 8:90 Motion to exclude testimony of unqualified medical expert witness; physician's assistant
- § 8:91 Motion to exclude testimony of unqualified medical expert witness; registered nurse
- § 8:92 Motion to exclude speculative expert opinion
- § 8:93 Motion to exclude reference to non-called witnesses
- § 8:94 Motion to exclude Evidence of computerized valuations of plaintiff's business, with alternative motion for a *Frye* hearing regarding the validity of the methodology
- § 8:95 Motion to exclude testimony and opinions of medical doctor
- § 8:96 Motion to exclude lay witness testimony (causation)
- § 8:97 Motion to exclude witness from courtroom prior to testifying
- § 8:98 Motion to exclude testimony of witness for lack of personal knowledge of subject matter
- § 8:99 Motion to exclude testimony of mediator
- § 8:100 Motion to exclude mediation evidence
- § 8:101 Motion to exclude testimony of incompetent witness
- § 8:102 Motion to exclude comment regarding exercise of privilege
- § 8:103 Motion to exclude improper expert opinion (usurps jury function)
- § 8:104 Opposition to motion to exclude lay witness evidence
- § 8:105 Opposition to motion to exclude expert witness testimony (non-qualified)

CHAPTER 9. TRIAL PRESENTATION

I. MOTION AUTHORITIES

A. MOTION TO PREVENT IMPROPER VOIR DIRE

- § 9:1 Suggested motion text
- § 9:2 Motion summary
- § 9:3 Supporting authorities—Improper voir dire
- § 9:4 —Preconditioning
- § 9:5 — —Preconditioning regarding dollar amount of damages
- § 9:6 —Educating jury on the law
- § 9:7 —Other grounds
- § 9:8 Opposition citations—Generally
- § 9:9 —Specific dollar amount

B. MOTION TO EXCLUDE IMPROPER ARGUMENTS OR COMMENTS IN OPENING STATEMENT

- § 9:10 Suggested motion text
- § 9:11 Motion summary
- § 9:12 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 9:13 —Exclusion of prejudicial matter in opening statement
- § 9:14 —Other grounds
- § 9:15 Opposing authorities

C. MOTION TO BAR PREMATURE REBUTTAL TO AFFIRMATIVE DEFENSES

- § 9:16 Suggested motion text
- § 9:17 Motion summary
- § 9:18 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 9:19 —Order of proof
- § 9:20 —Other grounds
- § 9:21 Opposing authorities

D. MOTION RE REFERENCE TO LOST OR DESTROYED EVIDENCE

- § 9:22 Suggested motion text
- § 9:23 Motion summary
- § 9:24 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 9:25 —Authority for evidence sanctions

- § 9:26 — —Accidental destruction of evidence
- § 9:27 — —Intentional destruction or suppression of evidence
- § 9:28 — —A note on spoliation of evidence
- § 9:29 —Negative presumption
- § 9:30 —Other grounds
- § 9:31 Opposition citations—Generally

E. MOTION TO EXCLUDE ARBITRATION EVIDENCE AND FINDINGS

- § 9:32 Suggested motion text
- § 9:33 Motion summary
- § 9:34 Supporting authorities—Limitation on arbitration
evidence
- § 9:35 —Other grounds

F. MOTION TO EXCLUDE EVIDENCE OF DAMAGES OR LIABILITY IN BIFURCATED TRIAL

- § 9:36 Suggested motion text
- § 9:37 Motion summary
- § 9:38 Supporting authorities—Statutory authority
- § 9:39 —Case authority
- § 9:40 —Exclusion based upon admitted liability
- § 9:41 —Exclusion based upon prior findings of fact
- § 9:42 —Other grounds
- § 9:43 Opposing authorities—Liability issues relevant to
damages
- § 9:44 —Discretion
- § 9:45 —Stipulated facts

G. MOTION TO PRECLUDE “GOLDEN RULE ARGUMENT”

- § 9:46 Suggested motion text
- § 9:47 Motion summary
- § 9:48 Supporting authorities—Exclusion of prejudicial
evidence, generally
- § 9:49 —Rejection of “golden rule” argument
- § 9:50 —Other grounds
- § 9:51 Opposing authorities—Not a “golden rule” argument

H. MOTION TO EXCLUDE IMPROPER TERMINOLOGY

- § 9:52 Suggested motion text
- § 9:53 Motion summary

TABLE OF CONTENTS

- § 9:54 Supporting authorities—Confusing evidence, generally
- § 9:55 —Terms containing legal conclusions
- § 9:56 —Testimony on ultimate issues
- § 9:57 —Misused terms
- § 9:58 —Preconditioning jury
- § 9:59 —Usurping jury function
- § 9:60 —Inflammatory language
- § 9:61 Opposing authorities—Acceptable terms, generally
- § 9:62 —Legal questions vs. ultimate issues

I. MOTION TO EXCLUDE PREJUDICIAL CLOSING ARGUMENT

- § 9:63 Suggested motion text
- § 9:64 Motion summary
- § 9:65 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 9:66 —Exclusion of prejudicial closing argument
- § 9:67 —Other grounds
- § 9:68 Opposing authorities

II. SAMPLE MOTIONS

- § 9:69 Motion to exclude reference to lost or destroyed evidence
- § 9:70 Motion to exclude mediation evidence
- § 9:71 Motion to preclude golden rule argument
- § 9:72 Motion to exclude evidence of damages in bifurcated trial
- § 9:73 Motion to prevent improper voir dire
- § 9:74 Motion to exclude improper argument during opening statement
- § 9:75 Motion to bar premature rebuttal to affirmative defense
- § 9:76 Motion to exclude improper terminology
- § 9:77 Opposition to motion for missing evidence instruction

CHAPTER 10. PERSONAL INJURY MOTIONS

I. MOTION AUTHORITIES

A. MOTION TO EXCLUDE EVIDENCE OF COLLATERAL SOURCE PAYMENTS

- § 10:1 Suggested motion text
- § 10:2 Motion summary
- § 10:3 Supporting authorities—Exclusion of prejudicial evidence, generally

- § 10:4 —Exclusion of irrelevant evidence, generally
- § 10:5 —Exclusion of collateral source evidence, generally
- § 10:6 — —Gratuitous payments
- § 10:7 — —Disability benefits
- § 10:8 — —Wage payments
- § 10:9 — —Other payments
- § 10:10 —Other grounds
- § 10:11 Opposing authorities—Generally
- § 10:12 —Not “wholly independent” source
- § 10:13 —Relevant to issues in case
- § 10:14 — —Exception: paternity cases
- § 10:15 — —Exception: legal malpractice cases
- § 10:16 — —Exception: free medical services
- § 10:17 — —Exception: contract cases
- § 10:18 — —Exception: medical malpractice cases

B. MOTION TO EXCLUDE EVIDENCE OF INSURANCE

- § 10:19 Suggested motion text
- § 10:20 Motion summary
- § 10:21 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:22 —Exclusion of irrelevant evidence, generally
- § 10:23 —Exclusion of liability insurance evidence
- § 10:24 — —Evidence of defendant’s lack of insurance
- § 10:25 —Irrelevant
- § 10:26 —Other grounds
- § 10:27 Opposing authorities—Impeachment
- § 10:28 —Where relevant to issues
- § 10:29 —Incidental reference to insurance
- § 10:30 —Non-prejudicial references to insurance
- § 10:31 —To prove element of case
- § 10:32 —First raised by adverse witness
- § 10:33 —Voir dire questions

C. MOTION TO EXCLUDE SETTLEMENT EVIDENCE

- § 10:34 Suggested motion text
- § 10:35 Motion summary
- § 10:36 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:37 —Exclusion of irrelevant evidence, generally
- § 10:38 —Exclusion of settlement evidence used to show liability
- § 10:39 — —Prior settlements

TABLE OF CONTENTS

- § 10:40 — —Settlement negotiations
- § 10:41 — —Settlement with co-defendants
- § 10:42 — —Where offer made prior to litigation
- § 10:43 —Court’s discretion
- § 10:44 —Other grounds
- § 10:45 Opposing authorities—Purpose other than to show liability—Admission against interest
- § 10:46 — —Bias or prejudice
- § 10:47 — —Contract issues
- § 10:48 — —Impeachment
- § 10:49 — —State of mind
- § 10:50 — —Settlement as a set-off or bar to claim

D. MOTION TO EXCLUDE EVIDENCE OF OTHER ACCIDENTS

- § 10:51 Suggested motion text
- § 10:52 Motion summary
- § 10:53 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:54 —Exclusion of irrelevant evidence, generally
- § 10:55 —Exclusion of prior-accident evidence—Absence of prior accidents
- § 10:56 — —Prior accident evidence used to prove negligence
- § 10:57 — —Lack of similarity: dangerous condition/defective products
- § 10:58 — —Irrelevant
- § 10:59 — —Jury confusion
- § 10:60 —Exclusion of subsequent accident evidence—General rule
- § 10:61 — —Dangerous condition cases
- § 10:62 —Other grounds
- § 10:63 Opposing authorities—Evidence of prior accidents—Absence of prior accidents
- § 10:64 — —Court’s discretion
- § 10:65 — —Similarity: dangerous condition/defective products
- § 10:66 — —Notice
- § 10:67 — —Relevant to issues in case (e.g., similar injuries)
- § 10:68 — —Accidents as basis for expert opinion
- § 10:69 — —Other possible exceptions—Impeachment
- § 10:70 —Evidence of subsequent accidents—Court’s discretion
- § 10:71 — —Dangerous condition
- § 10:72 — —Impeachment

E. MOTION TO EXCLUDE EVIDENCE OF SUBSEQUENT REPAIRS

- § 10:73 Suggested motion text

- § 10:74 Motion summary
- § 10:75 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:76 —Exclusion of irrelevant evidence, generally
- § 10:77 —Exclusion of subsequent repair evidence—Inadmissible to show negligence
- § 10:78 —Other grounds
- § 10:79 Opposing authorities—Impeachment
- § 10:80 —Relevant to issues
- § 10:81 —Strict products liability

F. MOTION TO EXCLUDE EVIDENCE OF STATUTE VIOLATION

- § 10:82 Suggested motion text
- § 10:83 Motion summary
- § 10:84 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:85 —Exclusion of irrelevant evidence, generally
- § 10:86 —Not proximate cause
- § 10:87 — —Prior violations
- § 10:88 —Other grounds
- § 10:89 Opposing authorities—Impeachment
- § 10:90 —Proximate cause
- § 10:91 — —Negligence per se—Presumption of negligence
- § 10:92 — —Movant’s reply argument: gtekeeping provisions

G. MOTION TO EXCLUDE EVIDENCE OF DRIVER’S LICENSE SUSPENSION

- § 10:93 Suggested motion text
- § 10:94 Motion summary
- § 10:95 Supporting authorities—Exclusion of evidence of license suspension or revocation
- § 10:96 —Not evidence of negligence
- § 10:97 —Other grounds
- § 10:98 Opposing authorities—Relevant to issues—Negligent entrustment

H. MOTION TO EXCLUDE EVIDENCE OF FAILURE TO WEAR SEAT BELT

- § 10:99 Suggested motion text
- § 10:100 Motion summary
- § 10:101 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:102 —Exclusion of irrelevant evidence, generally
- § 10:103 —Exclusion of seat-belt evidence, generally

TABLE OF CONTENTS

- § 10:104 — —Expert testimony required
- § 10:105 — —Exclusion in strict liability cases
- § 10:106 — —Defendant’s burden regarding seatbelt defense
- § 10:107 —Other grounds
- § 10:108 Opposing authorities—Relevant to issues
- § 10:109 —Where use would have reduced injuries
- § 10:110 —A note on mandatory seatbelt laws

I. MOTION TO EXCLUDE EVIDENCE OF ALCOHOL CONSUMPTION

- § 10:111 Suggested motion text
- § 10:112 Motion summary
- § 10:113 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:114 —Exclusion of irrelevant evidence, generally
- § 10:115 —Intoxication not relevant to issues in case
- § 10:116 —Exclusion in automobile cases—Consumption by driver where no impairment
- § 10:117 — —Consumption by plaintiff-passenger
- § 10:118 —Past alcohol use
- § 10:119 —Other grounds
- § 10:120 Opposing authorities—Where relevant to issues—Driving under the influence of alcohol as proof of negligence
- § 10:121 — —Witness perceptions

J. MOTION TO EXCLUDE EVIDENCE OF PRIOR D.U.I.

- § 10:122 Suggested motion text
- § 10:123 Motion summary
- § 10:124 Supporting authorities—Exclusion of prejudicial evidence, generally
- § 10:125 —Exclusion of irrelevant evidence, generally
- § 10:126 —Blood alcohol evidence—Generally
- § 10:127 — —Lack of foundation
- § 10:128 —Exclusion of crimes evidence used for impeachment—Generally
- § 10:129 — —Exclusion of arrests and misdemeanor convictions
- § 10:130 — —Exclusion of felony convictions
- § 10:131 — —Where probative value is Substantially outweighed by risk of undue prejudice
- § 10:132 —Exclusion of D.U.I. evidence where used to prove improper conduct—Generally
- § 10:133 —Other grounds
- § 10:134 Opposing authorities

- § 10:135 —Blood alcohol evidence—Generally
- § 10:136 — —Relevant
- § 10:137 — —Foundation
- § 10:138 —Impeachment, generally
- § 10:139 — —Use of felony convictions for impeachment
expressly allowed
- § 10:140 — —D.U.I. as felony

K. MOTION TO EXCLUDE EVIDENCE OF PARTY'S HEALTH OR INJURIES WHERE NOT AT ISSUE

- § 10:141 Suggested motion text
- § 10:142 Motion summary
- § 10:143 Supporting authorities—Exclusion of prejudicial
evidence, generally
- § 10:144 —Exclusion of irrelevant evidence, generally
- § 10:145 —Exclusion of evidence of party's health or injuries
where not at issue
- § 10:146 —Other grounds
- § 10:147 Opposing authorities—Relevant to issues in case

L. MOTION TO EXCLUDE ACCIDENT RECONSTRUCTION AND BIOMECHANICAL EVIDENCE

- § 10:148 Suggested motion text
- § 10:149 Motion summary
- § 10:150 Supporting authorities—Excluding accident
reconstruction evidence
- § 10:151 — —Generally
- § 10:152 — —Incomplete facts/speculation
- § 10:153 — —Reliance on observations of others (hearsay)
- § 10:154 — —Improper foundation or qualification
- § 10:155 — —Vehicle speed determinations
- § 10:156 —Excluding biomechanical evidence
- § 10:157 — —Anthropomorphic dummies
- § 10:158 — —“Finite element analysis” tests
- § 10:159 — —“Pattern of injury” tests
- § 10:160 —Low-speed impact automobile cases
- § 10:161 — —Excluding “Delta V” testimony
- § 10:162 — —Challenging “plopping into a chair” testimony
- § 10:163 — —“Human crash test dummy” testimony
- § 10:164 — —Photographs depicting “no damage” to vehicles
- § 10:165 — —Other unreliable tests
- § 10:166 Opposition—Tests and scientific testimony, generally
- § 10:167 —Accident reconstruction evidence
- § 10:168 — —Proper basis for opinion

TABLE OF CONTENTS

- § 10:169 — —Competent facts/foundation
- § 10:170 — —Vehicle speed
- § 10:171 — —Skid mark analysis
- § 10:172 — —Point of impact
- § 10:173 —Biomechanical evidence—Cases where admitted
- § 10:174 —Admission of photographs depicting “no damage”
to vehicles
- § 10:175 —A note on opposing motions to exclude low-impact
tests

M. MOTION TO EXCLUDE EVIDENCE OF PARTY’S FINANCIAL STATUS

- § 10:176 Suggested motion text
- § 10:177 Motion summary
- § 10:178 Supporting authorities—Exclusion of prejudicial
evidence, generally
- § 10:179 —Exclusion of irrelevant evidence, generally
- § 10:180 —Exclusion of financial status evidence, generally
- § 10:181 — —Plaintiff’s financial status
- § 10:182 — —Defendant’s financial status
- § 10:183 —Punitive damages cases
- § 10:184 —Other grounds
- § 10:185 Opposing authorities—Relevant to issues—
Generally
- § 10:186 — —To support punitive damages claim

N. MOTION TO EXCLUDE TAX EVIDENCE

- § 10:187 Suggested motion text
- § 10:188 Motion summary
- § 10:189 Supporting authorities—Exclusion of prejudicial
evidence, generally
- § 10:190 —Exclusion of irrelevant evidence, generally
- § 10:191 —Exclusion of tax evidence—Tax implications on
damages
- § 10:192 — —Tax returns or failure to file tax returns
- § 10:193 —Improper appeal to jurors as taxpayers
- § 10:194 —Other grounds
- § 10:195 Opposing authorities—Relevant to issues

O. MOTION TO EXCLUDE LIABILITY EVIDENCE WHERE LIABILITY NOT AT ISSUE

- § 10:196 Suggested motion text
- § 10:197 Motion summary
- § 10:198 Supporting authorities—Exclusion of prejudicial
evidence, generally

- § 10:199 —Exclusion of irrelevant evidence, generally
- § 10:200 —Exclusion of admitted matters
- § 10:201 —Other grounds
- § 10:202 Opposing authorities

II. SAMPLE MOTIONS

- § 10:203 Sample motion in limine to exclude collateral source payments under the federal medicare program
- § 10:204 Sample memorandum of law supporting motion in limine to exclude collateral source payments under the federal medicare program
- § 10:205 Sample motion in limine to exclude collateral evidence
- § 10:206 Sample memorandum of law and authorities in support of motion in limine to exclude collateral evidence
- § 10:207 Motion to exclude evidence of marijuana use
- § 10:208 Motion to exclude evidence that motorcyclist did not have a valid operator's license
- § 10:209 Motion to exclude evidence of collateral source payments
- § 10:210 Motion to exclude evidence of defendant's liability
- § 10:211 Sample motion to bar testimony of a medical expert regarding subsequent medical treatment
- § 10:212 Sample motion to exclude expert testimony based on the *Frye* or general acceptance standard
- § 10:213 Motion to admit evidence of laboratory testing regarding firearm residue
- § 10:214 Motion to exclude surveillance video
- § 10:215 Motion to exclude evidence of subsequent remedial measures
- § 10:216 Motion to exclude evidence of statute violation
- § 10:217 Motion to exclude evidence of failure to file income tax returns
- § 10:218 Motion to exclude settlement evidence
- § 10:219 Motion to exclude liability insurance evidence
- § 10:220 Motion to exclude evidence of plaintiff's financial status
- § 10:221 Motion to exclude evidence of defendant's prior DUI
- § 10:222 Motion to exclude evidence of prior traffic citations
- § 10:223 Motion to exclude improper damage evidence (speculative evidence of lost profits)
- § 10:224 Motion to exclude evidence regarding prior accident
- § 10:225 Motion to exclude evidence regarding party's prior injuries
- § 10:226 Motion to exclude that driver was unlicensed
- § 10:227 Motion to exclude evidence of failure to properly secure child in child safety seat

TABLE OF CONTENTS

§ 10:228	Opposition to motion to exclude evidence of subsequent repairs
§ 10:229	Opposition to motion to exclude evidence of defendant's financial status

Table of Laws and Rules

Table of Cases

Index