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CALIFORNIA MOTIONS IN LIMINE

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INTRODUCTION TO THE 2024–2025 EDITION

California Motions in Limine is devoted to California “in limine” motions. It includes critical evidence motions that, if granted, can limit the evidence at trial. This volume covers issues such as excluding expert opinions, scientific tests, and improper discovery.

Highlights

- Updated case law throughout
- New sample opposition to motion to exclude text messages - § 4:164
- New sample motion for evidentiary sanctions for failure to serve answers/objections to interrogatories - § 6:80
- New sample motion to exclude evidence regarding witness’s mental health - § 7:89
- New sample motion to bar premature rebuttal to affirmative defense - § 9:77
- New sample motion to exclude evidence regarding party’s prior injuries - § 10:286

Thank you for subscribing to *California Motions in Limine*. Each year we make every effort to include new case citations, particularly matters of first impression that have occurred during the past year. We hope that you find this book to be an invaluable tool for your practice.

David N. Finley, Esq.
Lisa McGuire, Esq.

ABOUT THE AUTHORS

David N. Finley, Esq.

David N. Finley, Esq., is a litigation attorney with extensive experience in motion research and legal writing. He began his career as a motion and appellate writer at a well-known Los Angeles, California litigation firm, and later served as a managing editor, marketing director and publisher at several nationally recognized legal publishing companies. He is the creator and co-author of multiple Thomson Reuters / Rutter Group publications including *Federal Motions in Limine*, *Federal Summary Judgment and Related Termination Motions*, *California Motions in Limine*, *California Law & Motion Authorities*, *California Law & Motion Model Forms*, and nearly two dozen state versions of the *Motion in Limine* series of texts. He is also the creator and former Editor-in-Chief of the voir dire newsletter, *The Jury Expert*. He graduated from University of California, San Francisco College of Law (formerly Hastings), where he was a member of the Moot Court Honors Board, a legal writing teaching fellow, and an award winner for excellence in brief writing. For more than a decade, he has taught advanced brief writing and pretrial procedure at top ranked law schools, including the University of California Irvine School of Law where he currently serves as a lecturer. He is the founder and current president of Esquire One Research Services, which provides high level legal research and brief writing for a wide range of litigation firms.

Lisa McGuire, Esq.

Lisa McGuire, Esq. is a freelance research attorney in northern Ohio. Previously, she served as a judicial clerk for the Honorable William R. Baird at the Ninth District Court of Appeals of Ohio. She has also taught legal research and writing as an adjunct professor at the University of Akron School of Law. Ms. McGuire obtained her bachelor of arts degree from Cleveland State University, graduating cum laude. She graduated from the University of Akron School of Law, magna cum laude, in 2001. During law school, she served as articles editor of the Akron Law Review. Her student article, "Banking on Biometrics: Your Bank's New High-Tech Method of Identification May Mean Giving Up Your Privacy," was published at 33 Akron L. Rev. 441 (2000). She has authored Minnesota Summary Judgment and Re-

lated Terminations Motions and Maryland Summary Judgment and Related Termination Motions and has co-authored various state versions of the Motions in Limine line of books.

EDITORIAL ADVISORS

The author acknowledges the special contributions of Steven Heimberg & Marsha Barr (Chapter 11), Douglas Degrave & W. James Osborne (Chapter 12) and Robert Drescher. The author also acknowledges the following for their assistance with this publication: Keith Crouch, Robert Dean, Laura DeBoer, Nada Edwards, Michael Fields, Willie Grant, Richard L. Haeussler, Edward J. Howell, Glenn Johnson, Monique Leahy, Stephanie Hoit Lee, Kristen Martin, Steven M. Maslauski, Teresa McQueen, Douglas R. Parker and Melvin K. Patterson.

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HOW TO USE THIS BOOK

1. Overview

CALIFORNIA MOTIONS IN LIMINE is designed to help you quickly find authorities for a number of key *in limine* motions. The text contains important trial motions for general use in many civil cases, as well as a number of helpful motions specifically for personal injury cases. While the publisher has attempted to include many essential motions, not every possible motion or motion issue can be covered in this text. We welcome your feedback or contributions regarding other possible motions, motion issues or any additional matter.

2. Quick-Research Format

CALIFORNIA MOTIONS IN LIMINE is organized in a unique “quick-research” format that allows you to zero in on key authorities and suggested motion text while in your office or in court. Other than the first chapter, which provides an overview of *in limine* law, every chapter contains the following quick-research format:

1. Suggested Motion Text
2. Motion Summary
3. Supporting Authorities
4. Opposition Authorities
5. Sample Motions

Note that this text contains a useful compendium of citations and samples on a number of commonly filed motions in limine. The publisher has attempted to include key citations to support each motion and provide a bouncing off point for further research. If you do not find support for your motion in this book, check other traditional California evidence resources. *Important:* Once you have found a helpful case, read it in full to be sure that the point is applicable to your facts and cite check it to ensure that it is still good law.



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