

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

CREATIVE DIMENSIONS IN : CIVIL ACTION
MANAGEMENT, INC. :
 :
v. :
 :
THOMAS GROUP, INC. : NO. 96-6318

MEMORANDUM ORDER

Defendant attached as an exhibit to its pretrial memorandum a document captioned "Motion in Limine" setting forth forty objections to testimony they believe may be offered by plaintiff in the trial of this case. This "motion" was not separately filed or docketed as a motion and came to the court's attention the week before trial as the court reviewed pertinent pretrial submissions in preparation for trial.

In its standard scheduling order the court does ask the parties to identify certain types of objections which they expect to assert to evidence identified by the opposing party. The purpose of this is to alert each party and the court to the areas in which objections may be expected. It is clearly not for the purpose of obtaining advance rulings on every conceivable objection that might arise, which could conscientiously be done only if the case were effectively tried twice -- once before the court and then again to the jury. Indeed, in a submission earlier today, defendant acknowledged that "the most practical

and expedient" manner of resolving objections to various exhibits is to do so at trial "because testimony offered at trial may determine admissibility."

Defendant appears to have anticipated every conceivable thing that might happen at trial and then to seek an advance ruling on it. For example, it asks the court to rule that no witness of plaintiff may refer to the existence of any insurance policy or refer to any settlement negotiations between the parties. It asks the court to rule that plaintiff may make no reference to the fact that defendant may have refused to stipulate to any matter or that defendant failed to call a witness if that witness was equally available to plaintiff. The purpose of a motion in limine is not to obtain a court order directing the parties to present their case in a manner consistent with the Federal Rules of Evidence and other well understood pertinent principles of law.

Defendant sought to disqualify a fact witness and to preclude opinion testimony of two expert witnesses on Daubert grounds. These were appropriate requests and the court has ruled on them. The court will not rule on the myriad of defendant's other objections which either amount to a request for a ruling that the other side comply with the law or the federal rules or otherwise cannot be assessed, let alone conscientiously resolved, outside of the context of trial.

ACCORDINGLY, this day of April, 1999, **IT IS**
HEREBY ORDERED that except for the objections regarding Mr.
Lessack, Mr. Scherf and Ms. Tallow on which the court has already
ruled, the objections in defendant's unfiled "Motion in Limine"
are **DENIED** without prejudice to make any appropriate evidentiary
objection in the context of an actual trial.

BY THE COURT:

JAY C. WALDMAN, J.