



CSU  
College of Law Library

Cleveland State University  
**EngagedScholarship@CSU**

---

1995-2002 Court Filings

2000 Trial

---

1-28-2000

## Motion in Limine to Exclude Expert Testimony of Mary Ann Feathers

Terry H. Gilbert  
*Attorney for Sheppard Estate*

George H. Carr  
*Attorney for Sheppard Estate*

Follow this and additional works at: [https://engagedscholarship.csuohio.edu/sheppard\\_court\\_filings\\_2000](https://engagedscholarship.csuohio.edu/sheppard_court_filings_2000)

**How does access to this work benefit you? Let us know!**

---

### Recommended Citation

Gilbert, Terry H. and Carr, George H., "Motion in Limine to Exclude Expert Testimony of Mary Ann Feathers" (2000). *1995-2002 Court Filings*. 92.  
[https://engagedscholarship.csuohio.edu/sheppard\\_court\\_filings\\_2000/92](https://engagedscholarship.csuohio.edu/sheppard_court_filings_2000/92)

This Davis v. State of Ohio, Cuyahoga County Common Pleas Case No. CV96-312322 is brought to you for free and open access by the 2000 Trial at EngagedScholarship@CSU. It has been accepted for inclusion in 1995-2002 Court Filings by an authorized administrator of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).

FILED  
2000 JAN 28 P 1:33

CLERK OF COURT  
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

RECEIVED  
2000 JAN 28 P 1:48  
CUYAHOGA COUNTY  
PROSECUTING ATTORNEY

ALAN J. DAVIS, Special Administrator	)	Judge Ronald Suster
of the Estate of	)	
SAMUEL H. SHEPPARD	)	Case No. 312322
	)	
Plaintiff	)	
	)	<u>MOTION IN LIMINE</u>
vs.	)	<u>TO EXCLUDE EXPERT</u>
	)	<u>TESTIMONY OF</u>
STATE OF OHIO	)	<u>MARY ANN FEATHERS</u>
	)	
Defendant	)	
	)	

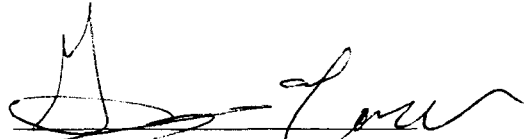
Plaintiff hereby moves this Court for an Order preventing Mary Ann Feathers from offering any opinion testimony from her. The reasons for granting this motion are as follows.

Recently, the State listed Ms. Feathers as an expert witness on its list. However, Plaintiff has not received an expert report from Ms. Luke.

Pursuant to Local Rule 21.1, Part I(B), "[a] party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel." The State has provided counsel for Plaintiff with a signed statement from Ms. Feathers' colleague, Lee Feathers, but as the Local Rule requires the report to be "procured from the witness," this statement cannot serve as Ms. Feathers' expert report.

Therefore, as the State has not provided a written report from Ms. Luke, under the mandatory language of this rule, she may not be permitted to give expert opinion testimony. Plaintiff asks this Court to enter an order *in limine* preventing Ms. Feathers from testifying as an expert.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terry H. Gilbert", written over a horizontal line.

Terry H. Gilbert (0021948)

George H. Carr (0069372)

1700 Standard Building

1370 Ontario Street

Cleveland, OH 44113

(216) 241-1430

*Attorneys for Plaintiff*

Certificate of Service

The undersigned certifies that the foregoing Motion *in limine* to Exclude Expert Testimony of Mary Ann Feathers has been served on William Mason, Prosecuting Attorney, Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 on this 28<sup>th</sup> day of January, 2000.

  
George H. Carr (0069372)  
*Attorney for Plaintiff*