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Motion in Limine to Exclude Expert Testimony of Linda Luke

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CUYAHOGA COUNTY
PROSECUTING ATTORNEY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN J. DAVIS, Special Administrator
of the Estate of
SAMUEL H. SHEPPARD

Plaintiff

vs.

STATE OF OHIO

Defendant

Judge Ronald Suster

Case No. 312322

MOTION IN LIMINE
TO EXCLUDE EXPERT
TESTIMONY OF
LINDA LUKE

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

For some time, the State has listed Ms. Luke as an expert witness on its lists. Pursuant to this Court's recent grant of an extension of time, all reports from Coroner's employees were due to be exchanged on January 14, 2000. Plaintiff has not received an expert report from Ms. Luke.

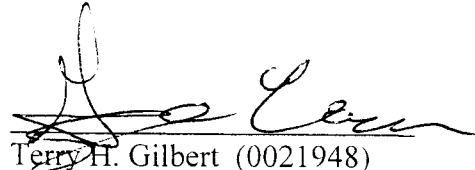
Pursuant to Local Rule 21.1, Part I(B), "[a] party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel. * *

* An expert will not be permitted to testify or provide opinions on issues not raised in his report."

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.

Therefore, Plaintiff asks this Court to enter an order *in limine* preventing Ms. Luke from testifying as an expert.

Respectfully submitted,

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

Terry H. Gilbert (0021948)

George H. Carr (0069372)

1700 Standard Building

1370 Ontario Street

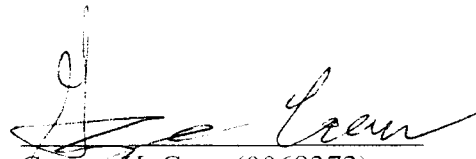
Cleveland, OH 44113

(216) 241-1430

Attorneys for Plaintiff

Certificate of Service

The undersigned certifies that the foregoing Motion *in limine* to Exclude Expert Testimony of Linda Luke has been served on William Mason, Prosecuting Attorney, Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 on this 23th day of January, 2000.


George H. Carr (0069372)
Attorney for Plaintiff