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## Motion in Limine to Exclude Expert Testimony of Roger Marsters

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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

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2000 JAN 28 P 1:48  
CUYAHOGA COUNTY  
PROSECUTING ATTORNEY

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**  
**ROGER MARSTERS**

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

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

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 never provided a written report from Dr. Marsters, nor has it submitted any other document purporting to be an expert report.

Therefore, under the mandatory language of this rule, Dr. Marsters may not be permitted to give expert opinion testimony. Plaintiff asks this Court to enter an order *in limine* preventing Dr. Marsters 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

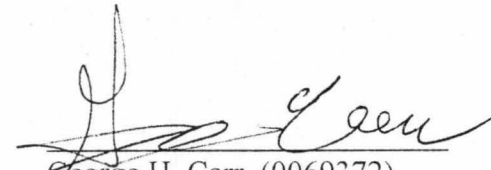
Cleveland, OH 44113

(216) 241-1430

*Attorneys for Plaintiff*

**Certificate of Service**

The undersigned certifies that the foregoing Motion *in limine* to Exclude Expert Testimony of Roger Marsters 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*