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## Motion to Limit the Testimony of Dr. Robert White

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*Counsel for Sheppard Estate*

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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

CHARLES MURRAY, Administrator  
of the Estate of  
SAMUEL H. SHEPPARD

Plaintiff

-VS-

STATE OF OHIO

Defendant

CASE NO. 312322

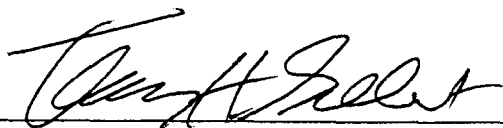
JUDGE RONALD SUSTER

MOTION TO LIMIT THE TESTIMONY  
OF DR. ROBERT WHITE

Now comes the Plaintiff and hereby moves the Court to limit Defendant's medical expert to opinions appropriate under Rule 703 of the Ohio Rules of Evidence which allows an opinion on facts or data either "perceived by him or admitted into evidence." Dr. White conducted an investigation into the Sheppard case by reviewing much of the transcripts of the two trials, including transcripts of witnesses who have not testified in this trial, as well as other outside materials. He went far beyond the medical records in this case to render an opinion. An expert opinion based upon such extraneous matters is not admissible. See, State v. Roquemore, 85 Ohio App.3d 448 (1992); Mahan v. Bethesda Hosp., Inc., 84 Ohio App. 520 (1992).

WHEREFORE, the Court is requested to issue a ruling on this prior to the witness's testimony.

Respectfully submitted,



TERRY H. GILBERT (0021948)

GEORGE H. CARR (0069372)

Attorneys for Plaintiff

1700 Standard Building

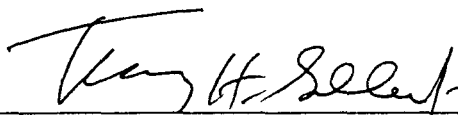
1370 Ontario Street

Cleveland, OH 44113

(216) 241-1430

#### CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Limit the Testimony of Dr. Robert White has been hand-delivered, this 28 day of March, 2000, to William D. Mason, Esq., Cuyahoga County Prosecutor, at his office, Justice Center, 1200 Ontario Street, Cleveland, Ohio 44113.



TERRY H. GILBERT

GEORGE H. CARR

Attorneys for Plaintiff