

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

_____ /

**PLAINTIFF'S MOTION *IN LIMINE* TO PRECLUDE DEFENDANT FROM CALLING
PLAINTIFF'S ATTORNEYS AS WITNESSES AT TRIAL**

Sigrid McCawley
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Pursuant to FRE 401 and 403, as well as Fed. R. Civ. P. 37(c)(1), Plaintiff Ms. Giuffre respectfully submits this motion in limine to preclude Defendant Maxwell from calling Ms.

Giuffre's attorneys, Paul Cassell and Brad Edwards, during the trial. [REDACTED]

[REDACTED] This is a transparent ploy to attempt to disrupt Ms. Giuffre's legal team and should be precluded.

FACTUAL BACKGROUND

In the upcoming four-week trial of this matter, Ms. Giuffre will primarily rely on three attorneys with significant trial experience: David Boies of Boies, Schiller & Flexner (New York office); Bradley J. Edwards of Farmer, Jaffe Weissing; and Sigrid McCawley, Boies, Schiller & Flexner (Fort Lauderdale, Florida, office). Paul Cassell, who maintains his office at the University of Utah College of Law is expected to handle significant motions during the trial.

[REDACTED]

[REDACTED]

[REDACTED]

LEGAL STANDARDS

"The purpose of a motion in limine 'is to aid the trial process by enabling the Court to rule in advance of trial on the relevance of certain forecasted evidence ... without lengthy argument at, or interruption of, the trial.' *Palmieri v. Defaria*, 88 F.3d 136, 141 (2d Cir. 1996) (internal quotation marks omitted). The power to rule on motions in limine lies within the district court's 'inherent authority to manage the course of its trials.' *Carofino v. Forester*, 450 F. Supp. 2d 257, 270 (S.D.N.Y. 2006). This includes the authority to prohibit irrelevant and prejudicial arguments or references at trial. *See, e.g., In re WorldCom, Inc. Sec. Litig.*, No. 02 Civ. 3288 (DLC), 2005 WL 578109, at *3 (S.D.N.Y. Mar. 4, 2005). Only relevant evidence is admissible. Fed. R. Evid.

402. Evidence is relevant if ‘it has any tendency to make a fact more or less probable than it would be without the evidence.’ Fed. R. Evid. 401. ‘If an item of evidence tends to prove a fact that is of consequence to the determination of the action, it is relevant. If it does not tend to prove a material fact, it is irrelevant.’ *Arlio v. Lively*, 474 F.3d 46, 52 (2d Cir. 2007) (internal citation omitted). ‘A material fact is one that would affect the outcome of the suit under the governing law.’ *Id.*” *Ferring B.V. v. Allergan, Inc.*, No. 12 CIV. 2650, 2016 WL 6441567, at *1 (Sweet, J.) (S.D.N.Y. Oct. 28, 2016).

ARGUMENT

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CONCLUSION

[REDACTED]

[REDACTED]

[REDACTED]

Dated: March 3, 2017

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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² This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 3rd day of March, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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