

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Ronald R. Shea,)	
)	
Plaintiff,)	Case No. 12 C 50201
)	
vs.)	
)	
Carolyn Shea Kohler, et al.,)	Judge Philip G. Reinhard
)	
Defendant.)	

ORDER

The court sets deadlines and evidentiary rulings as set forth below.

STATEMENT-OPINION

In their proposed final pretrial order, the parties have included lists of proposed exhibits (along with noted objections) and proposed witnesses. In order to facilitate the orderly presentation of evidence at trial and expedite the proceedings, the court will now review the proposed exhibits and witnesses and enter rulings as to those which will be excluded. As to any proposed exhibit or witness that is ruled excluded by this order today, the party who sought to present such exhibit or witness shall make any offer of proof as to that exhibit or witness by filing such offer of proof in writing with the court on or before August 21, 2017. For any exhibit or witness ruled excluded by this order, any and all offers of proof must be filed in writing by that date. No offers of proof as to exhibits or witnesses ruled excluded by this order today will be allowed at trial and no exhibit or witness so excluded shall be tendered at trial. The written offers of proof will stand to preserve any claim of error under Fed. R. Evid. 103(a)(2) & (b). Exhibits not excluded by this order are still subject to the court’s traditional examination when introduced at trial.

The following proposed exhibits of plaintiff are excluded for the listed reasons:

Exhibit 1 is excluded as it is not evidence.

Exhibits 2 through 17 and 19 through 36 are excluded as irrelevant.

Exhibits 53 through 55 are excluded as they are not evidence.

Exhibits 58, 59 and 63 are excluded as irrelevant.

Exhibit 65 is excluded as needlessly cumulative given Exhibit 64.

Exhibits 66 and 67 are excluded as irrelevant.

Exhibit 70 is excluded as needlessly cumulative of Dr. Miller's testimony.

Exhibits 72 through 81 are excluded as irrelevant.

Exhibits 88 through 99 are excluded as irrelevant.

Exhibits 100 through 108 are excluded as irrelevant.

Exhibits 126 through 133 are excluded as irrelevant.

Exhibits 134 through 136 are depositions. The proposed joint final pretrial order indicates "[n]o depositions are presented herewith to be read into evidence." Accordingly, these exhibits will not be read into evidence. However, they may otherwise be used at trial in accordance with the terms of Fed. R. Civ. P. 32.

Exhibits 137 through 150 are excluded as irrelevant.

The following proposed exhibits of defendant are excluded for the listed reasons:

Exhibit 1 is excluded as irrelevant. To the extent it may be relevant to the issue of damages, it's probative value is substantially outweighed by the danger of unfair prejudice and confusing the issues.

Exhibit 2 is excluded as irrelevant and needlessly cumulative. There is no dispute defendant's arm was bruised.

Exhibit 4 is excluded as irrelevant. To the extent it may be relevant to the issue of damages, it's probative value is substantially outweighed by the danger of unfair prejudice and confusing the issues.

Exhibit 5 is excluded as irrelevant.

Exhibit 9 is excluded as needlessly cumulative of Dr. Miller's testimony.

Exhibits 11 through 18 are excluded as irrelevant.

The following proposed witnesses of plaintiff will not be allowed to testify for the reasons set forth below.

Kelly Johnson because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Morgan Stanley/Smith Barney custodian/person most knowledgeable because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Thomas Gillons because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Doug Warren, Esq. because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Tammy Hutzler because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

J. Michael Shea because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Kathleen Shea because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Shea Koehler Mills because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Judge D.J. Tegeler because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Susan Enger because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Ron Singer because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Amy Silvestri because the court has previously ruled that defendant's counsel may not be called as a witness.

T-Mobile custodian/person most knowledgeable because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

Kimberly B. McKenzie because the subject matter of the proposed testimony of this witness is irrelevant to the claim in this case.

A separate order will be entered concerning proposed defense witnesses (if any) who will not be allowed to testify after the court receives defendant's proposed witness list indicating the

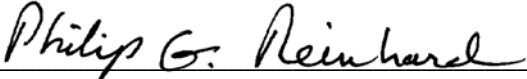
proposed subject matter of the testimony of each of defendant's proposed witnesses per the court's 8/9/2017 order [332].

Also, on or before August 21, 2017, plaintiff is directed to file written offers of proof as to his claim for damages to his vehicle and his loss of income including proof of causation of these losses.

This case is set on August 24, 2017 at 10 a.m. for status and setting of jury trial. The court anticipates that the jury trial will be set to begin on September 11 or September 12, 2017.

Date: 8/14/2017

ENTER:



United States District Court Judge

Electronic Notices. (LC)