

STATE OF MAINE  
CUMBERLAND, ss

SUPERIOR COURT  
CIVIL ACTION  
Docket No. CV-13-181

NDM-CUM-07-22-14

TIMOTHY VALERIANI,  
Plaintiff

STATE OF MAINE  
Cumberland, ss, Clerk's Office  
SUPERIOR COURT

v.

JUL 22 2014 ORDER ON MOTIONS IN  
LIMINE

JOANN PREVOST,  
Defendant

RECEIVED

After argument on the record on the parties' motions in limine, the following is ordered:

DEFENDANT'S MOTION TO EXCLUDE UNCORRECTED PORTIONS OF HER DEPOSITION TESTIMONY; PLAINTIFF'S MOTION TO EXCLUDE REFERENCE TO STIPULATION OF LIABILITY

The parties agree to stipulate to liability, which in this case means defendant's negligence proximately caused some injury to plaintiff. Defendant will not testify. Counsel are permitted to reference the fact of this stipulation in opening statements and closing arguments.

PLAINTIFF'S MOTION TO EXCLUDE REFERENCE TO DR. KAZILIONIS'S TWO REPRIMANDS

The motion is granted.

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE SUBSTANTIVE ADMISSION OF, OR ILLUSTRATIVE USE OR REFERENCE TO, PLAINTIFF'S EXHIBIT 29

Plaintiff may testify with regard to the assertions in the Quantification of Lost Wages dated 10/16/13. Plaintiff's counsel will not use plaintiff's exhibit 29 during his opening statement. Depending on plaintiff's testimony, use of plaintiff's exhibit 29 may

be permitted during plaintiff's testimony and/or plaintiff's closing argument.

DEFENDANT'S MOTION TO EXCLUDE PHOTOGRAPHS OF DEFENDANT'S VEHICLE

The motion is denied. State v. Hurd does not address the issue of the relationship between force and resulting injury addressed in the cases cited by plaintiff. See State v. Hurd, 360 A.2d 525, 527-28, 527 n.5 (Me. 1976); see, e.g., Mason v. Lynch, 878 A.2d 588, 600-01 (Md. 2005); Brennan v. Demello, 921 A.2d 1110, 1118-19 (N.J. 2007).

DEFENDANT'S MOTION TO PRECLUDE DR. KAZILIONIS'S TESTIMONY ON THE SUBJECT OF BIOMECHANICS

The motion is granted.

DEFENDANT'S MOTION TO LIMIT NUMBER OF PAIN AND SUFFERING WITNESSES

The court defers ruling until trial.

The clerk is directed to incorporate this order into the docket by reference.

Date:

7/22/14

  
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Nancy Mills  
Justice, Superior Court

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