

# Motions in Limine

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## Objecting to Evidence before Trial

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## Motions in Limine

In this article we discuss a sort of motion that we think pro se parties underuse – motions in limine to exclude evidence at trial. They give you a chance to explain how the rule against hearsay prevents documents created out of court from being used as evidence unless there’s an exception. And they give you a chance to show how the plaintiff’s evidence does not meet the exception it’s planning to invoke, the business records exception. On a motion in limine, you can make your arguments before the trial begins, when things are likely to be overlooked in the heat and action of the trial.

### What are Motions in Limine?

Motions in Limine are motions filed before trial. “Limine” is Latin for “threshold,” so these motions are usually brought right before trial, when it’s pretty clear what the other side plans to do.

They are usually directed at evidence, but they could also be directed at legal theories or arguments.

### Why Use Them?

Like other parts of litigation, they are directed at the legal merits of the case but could have their most powerful impact on negotiations. Thus you bring your motion and attempt to win it for legal reasons, but if you do manage to win it, you will be able to keep the debt collector from putting on the most important parts of its evidence. And if that happens, it may give up without your needing to go to the trial at all.

Thus motions in limine can be very significant turning points. Or they can simplify matters for you at trial if that happens.

There's another reason for pro se parties to use motions in limine. As a pro se party in a system run by lawyers and judges, it can be hard to get listened to. Judges may or may not mean to pay more attention to lawyers, but they themselves WERE lawyers, their friends are lawyers, and lawyers are the ones they see day in and day out.

They naturally pay more attention to them for just those reasons.

And then there's the fact that lawyers understand the system and are trained in it. They can do dumb things, of course, but usually they don't. Judges know that, and they know that pro se parties lack this training, so they naturally take what you say with a grain of salt.

And then there's the fact that trials move very quickly, and the judge will be watching the clock very carefully. Will everything you say get heard? Not at trial.

You have a much better chance to get heard at a hearing on a motion to exclude. That will give you a chance to make an impression on the judge, explain some of the legal concepts behind the case, and make your arguments regarding evidence at a time when the court is freer to give what you say some thought. And it helps the judge get to know you a little bit and to be reminded of certain rules of evidence.

All of these things are absolutely vital to your chances of success.

### **What Motions in Limine are NOT**

Motions in limine are not motions for summary judgment. That is, you could argue in a motion in limine that the other side should not be able to introduce certain evidence or make certain arguments, but a motion in limine is not the place to ask for a ruling on the entire case in your favor. For that you need a motion for summary judgment, and this comes much earlier in the process.

### **What Happens after a Motion in Limine?**

What you're hoping for is a ruling on the spot that the debt collector will not be able to use certain evidence or arguments, and that does happen sometimes. More often, perhaps, the court will withhold its ruling until the debt collector tries to use the evidence. The theory behind this is that the court wants to judge from the context of the case whether the evidence is necessary and fair.

In reality, courts should not wait on most of the issues you're likely to move on. That's because your arguments will likely be addressed to the legal admissibility and sufficiency of the evidence, and no amount of case context can substitute for presenting the necessary bases for the business records exception, for example. But courts can be reluctant to rule on a motion that destroys one party's chances of winning before trial.

### **Timing**

While you could bring a motion in limine fairly early in a case, the court will likely not rule on it before

the eve of trial. And either the court will order, or your local rules may provide, a date before which motions in limine *must* be brought.

In other words, there's going to be a deadline for filing your motion. You need to know that deadline and abide by it. Most typically what happens is the court wants lists of witnesses and exhibits a week or two before trial, followed by a (final) pretrial conference. You would write your motions in limine in time to be heard at that final pretrial conference.

## Work on Motion in Limine

In a debt case everything about their case is predictable, even if you don't know for sure what they've got.

Where the person suing you is a debt collector, you know that the debt collector's case depends on getting some bills that it did not create into evidence. You should know (from discovery) exactly what those bills are and where they came from long before trial. And you also need to know how they plan to get them into evidence. You find these things out through the discovery process.

## Rulings on Motions in Limine are not Permanent

Rulings on motions in limine are subject to change. The court could grant your motion before trial and then change its mind, or vice-versa. That means you will still need to object at trial – or be prepared to argue even if you won – in order to protect your rights. And if you lost, you should take another shot at it. Don't be intimidated – the court will tell you if it is willing to hear your arguments or not.

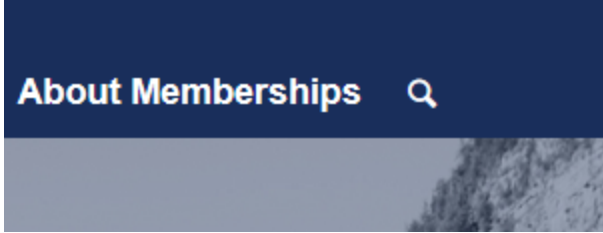
What makes motions in limine useful is that they give you a chance to make your arguments in the cool light of reason rather than the heat of trial. That might be your best chance to get heard for the pro se.

# Your Legal Leg Up

[Your Legal Leg Up](#) is a website and business dedicated to helping people defend themselves from debt lawsuits without having to hire a lawyer. As you can see below, we have a number of products as well as memberships that should help you wherever you are in the process. In addition to that, our website is a resource for all. Many of the articles and materials are reserved for members, but many are available to everyone.

## Finding Resources

Every page has a site search button in both the header and footer. It's a little magnifying glass icon that looks like this:



About Memberships 🔍

Click on the magnifying glass icon, and a small window opens. Put in a key word – a word you think relates to what you're looking for – and enter. You will get a page of results.

## Product Information

Because much of this article involves taking action and creating legal document, we include an addendum of the products we have that can help. First, if you are at the beginning stages of your case and needing to answer (or otherwise respond to) the petition, our [First Response Kit](#) is designed to help with that. If you have already answered and need to start (or restart) conducting discovery, our [Discovery Pack](#) will help. The Discovery Pack is included within the First Response Kit, so don't get both. If you are trying to force the debt collector to respond to your discovery, you may want our [Motion to Compel Pack](#).

If they're filing a motion for summary judgment and you are not ready to file a motion for summary judgment yourself, our [Motion for Summary Judgment Defense Pack](#) could help. But if you want to respond to theirs and file one of your own, you will want our [Cross-Motion for Summary Judgment Pack](#). And if they haven't file a motion for summary judgment but you want to, that would be our [Motion for Summary Judgment Offense Pack](#). Don't get more than one of the MSJ packs.

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