

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

RUTHELLE FRANK, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

SCOTT WALKER, in his official capacity as
Governor of the State of Wisconsin, et al.,

Defendants.

Civil Action No. 2:11-cv-01128 (LA)

**PLAINTIFFS' MOTION *IN LIMINE* TO
EXCLUDE CERTAIN DEFENDANT EXHIBITS AND TESTIMONY AND TO
PERMIT USE OF DEPOSITION TESTIMONY OF UNAVAILABLE WITNESSES**

Plaintiffs, through their counsel, respectfully move this Court pursuant to the Federal Rules of Evidence, the Federal Rules of Civil Procedure, and the Court's Scheduling Orders to exclude the following documents and testimony that Defendants are expected to use at trial:

1. The "Report of the Investigation into the November 2, 2004 General Election in the City of Milwaukee" and testimony about the opinions and recommendations expressed in that report;
2. Opinion testimony about the State's interest in Act 23, the impact of Act 23 on voter confidence and "election integrity," or legislative motivation for passing a voter ID law;
3. Any exhibit not specifically and individually described in Defendant's Pre-Trial Report, including the unspecified documents in categories (E) 35, 36, 37, 38, 40, and 41 of Defendants' Pre-Trial Report (Dkt No. 155); and

4. Any document on Defendants' exhibit list that was requested by Plaintiff in discovery but not produced by Defendants, including documents in categories (E) 35, 36 and 41 of Defendants' Pre-Trial Report (Dkt. No. 155).

Plaintiffs further move this Court to enter an order declaring that Plaintiff witnesses Ruthelle Frank, Ruth Ann Obermeyer, and Nancy Lea Wilde are unavailable for trial and permitting use of their videotaped deposition testimony at trial in lieu of live testimony.

In support of this Motion, Plaintiffs concurrently submit a Memorandum in Support of the Motion and Declarations and Exhibits thereto, which are hereby incorporated within this Motion by reference.

Dated this 23rd day of October, 2013

Respectfully submitted,

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