

The Order of the Court is stated below:

Dated: September 18, 2017  
11:45:53 PM

/s/ MATTHEW BATES  
District Court Judge



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IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH

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CAROL SMITH,  
Plaintiff,

v.

ENTERPRISE RENT-A-CAR COMPANY OF  
UT, LLC d/b/a ENTERPRISE RENT-A-CAR,  
et al.,

Defendants.

**ORDER ON PLAINTIFF'S MOTIONS IN  
LIMINE**

Case No. 150906643

Judge Matthew Bates

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Based on the motions and memoranda filed by the parties, and the arguments of counsel at the pretrial conference on September 14, 2017, it is hereby

ORDERED as follows:

1. Plaintiff's Motion in Limine to Exclude Evidence of Plaintiff's Medical Bills is granted.

The parties are prohibited from making any reference to plaintiff's medical bills or

expenses;

2. The Court defers ruling on Plaintiff's Motion in Limine to Exclude Evidence Regarding Alternative Causes of Plaintiff's Injuries, and to Exclude Evidence that Plaintiff Suffered from Transient Ischemic Attacks, pending the testimony of Dr. Goldman. No reference to transient ischemic attacks or other alternative causes of plaintiff's injuries may be made by the parties during opening statements. Defense counsel may cross-examine Dr. Goldman concerning transient ischemic attacks;
3. The Court defers ruling on Plaintiff's Motion in Support of Plaintiff's Proposed Special Verdict Form until after the close of evidence at trial;
4. The Court defers ruling on Plaintiff's Motion in Limine to Limit the Testimony of Dr. Adam Schwebach. Defendant has until Tuesday, September 19, 2017 at 5:00 pm to produce more specific support for Dr. Schwebach's opinions;
5. Plaintiff's Motion in Limine to Exclude Collateral Source Evidence is granted;
6. Plaintiff's Motion in Limine to Exclude any Reference to the Criminal History of Dr. David Peter is granted;
7. Plaintiff's Motion in Limine to Exclude Jury Nullification Arguments is granted. Defendant is prohibited from making arguments intended to encourage the jury to render a verdict which is not based on the evidence;
8. Plaintiff's Motion in Limine to Exclude Evidence of Impairment Ratings on Plaintiff is granted. The parties are prohibited from making any reference to impairment ratings; and
9. Plaintiff's Motion for Attorney Conducted Voir Dire is moot based on the Court's statements at the pretrial conference on how voir dire and jury selection will be

conducted.

(THE COURT'S OFFICIAL ELECTRONIC SIGNATURE APPEARS AT THE TOP  
OF PAGE ONE OF THIS ORDER).

Approved as to form:

DATED this 15<sup>th</sup> day of September, 2017.

J. JOYCE & ASSOCIATES

By /s/ Joseph J. Joyce, w/permission

Joseph J. Joyce  
Clint A. McAdams  
Bryan J. Stoddard  
Attorneys for Defendant  
Enterprise Rent-A-Car

DATED this 15<sup>th</sup> day of September, 2017.

Eisenberg, Gilchrist & Cutt

By /s/ David A. Cutt

David A. Cutt  
Attorneys for Plaintiff

**\*\* Pursuant to Rule 10(e) of the Utah Rules of Civil Procedure, this Order is executed and entered by the Court as indicated by the date and seal at the top of the first page \*\***

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2017, I caused the foregoing to be served pursuant to URCP 5(b) to the following:

Joseph J. Joyce ([jjj@jjoycelawfirm.com](mailto:jjj@jjoycelawfirm.com))  
Brian J. Stoddard ([bjs@jjoycelawfirm.com](mailto:bjs@jjoycelawfirm.com))  
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/s/ Margie Millard \_\_\_\_\_