

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

TOBIN J. SENEFELD, ET AL.,

Defendants,

Case No. 1:15-cv-659-JMS-MJD

Because Plaintiff's claims against Defendant Tobin Senefeld have been resolved and the Court has vacated the November 13, 2017 trial, the Court **DENIES AS MOOT** Plaintiff's Motions in Limine, [Filing No. 419].
JMS, CJ
October 11, 2017
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PLAINTIFF'S MOTIONS IN LIMINE

Plaintiff U.S. Securities and Exchange Commission ("the SEC"), pursuant to Rule 103(e) of the Federal Rules of Evidence, and for its motions in *limine*, states as follows:

Legal Standard

Every federal district court has broad discretion in ruling on evidentiary questions before a trial. *See Jenkins v. Chrysler Motors Corp.*, 316 F.3d 663, 664 (7th Cir. 2002). By granting appropriate motions *in limine*, a court can preclude consideration of inadmissible evidence that "ought not to be shown to a jury." *See Jonasson v. Lutheran Child and Family Services*, 115 F.3d 436, 440 (7th Cir. 1997). Accordingly, the Court should preclude Defendant Tobin Senefeld from introducing evidence on all of the following subjects, for the reasons stated below.

1. Defendant Should Not Be Permitted to Elicit Opinion Testimony from Harold Birch

Senefeld has identified Harold Birch as an individual who may be called "to testify as to the due diligence into, the operations of and the refinance of Crossroads Farms and Kirbach Farms." [Filing No. 248 at ¶ 4.] However, after the close of fact discovery, in support of his motion for summary judgment, Senefeld submitted a lengthy declaration from Harold Birch.