

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2013-2934 B

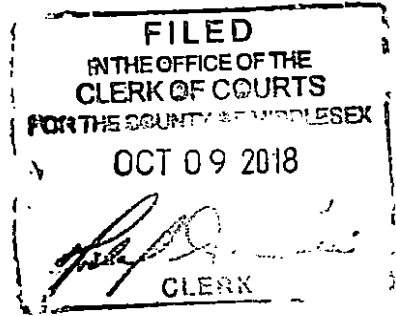
PLAINTIFF ERICKSON

Plaintiff,

v.

ROSALIE A. CUNIO,
JASON J. CUNIO,
AND CHRISTOPHER J. CUNIO

Defendants.



PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO DEFENDANTS' SALE OF RENTAL PROPERTY

NOW COMES Plaintiff, Catherine Erickson ("Plaintiff") and moves this Honorable Court to exclude Defendants, Defendants' attorney, and Defendants' witnesses from offering any evidence or argument regarding the sale of Defendants' rental property.

As more fully explained herein, Plaintiff anticipates Defendants will attempt to invoke sympathy or bias by way of evidence of the sale of Defendants' rental property. When asked in her deposition why the rental property was for sale, Rosalie Cunio stated "because I have no more faith in – these girls destroyed my faith in humanity . . . I believe that these girls took advantage of me from the day they moved in." (See Rosalie Dep. 139) Defendants' decision to sell their rental property has no relevance to the issues in this case and therefore no probative value. Rather, reference to Defendants' lack of rental property would unfairly prejudice the Plaintiff by improperly invoking sympathy or bias on the part of the defendants. Commonwealth v. Smith, 387 Mass. 900, 909-910, 444 N.E.2d 374, 381 (1982) (verdict must be based on

1/7/19. Allowed. Pls counsel for defendants has instructed his testifying witnesses