

FILED

FEB 03 2023

ANGIE SPARKS, Clerk of District Court  
BY: *Angie Sparks* Deputy Clerk

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**MONTANA FIRST JUDICIAL DISTRICT COURT,  
LEWIS AND CLARK COUNTY**

RIKKI HELD, et al.,  Plaintiffs,  vs.  STATE OF MONTANA, et al.,  Defendants.	) ) ) ) ) ) ) ) )	Cause No.: CDV-2020-307      <p style="text-align: center;"><b>STATE OF MONTANA'S COMBINED MOTIONS IN LIMINE NO. 3-7</b></p>
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Defendant State of Montana hereby moves the Court, *in limine*, as follows:

**Motion in Limine No. 3** – For an order precluding any evidence, allegations, or testimony relating to claims or legal theories Plaintiffs have not pled in the Complaint.

**Motion in Limine No. 4** – For an order precluding any witness not qualified or properly designated as an expert from offering opinions that should be based on a reasonable degree of scientific certainty.

**Motion *in Limine* No. 5** – For an order specifying that witnesses within the subpoena power of the Court should be called live to testify at trial absent the showing of unavailability.

**Motion *in Limine* No. 6** – For an order requiring lay or fact witnesses who have not testified and been excused to remain outside the courtroom during trial.

**Motion *in Limine* No. 7** – For an order requiring advance notice of at least one full trial day that a witness is unavailable, and requiring that during a party’s case in chief, it must notify the other parties at the end of a trial day of the witnesses it intends to call the next day.

This motion is based further on the supporting brief filed herewith.

Pursuant to UDCR 2(a), Plaintiffs’ counsel was contacted regarding their position on these motions, who indicate they oppose Motions *in Limine* No. 3, 4 and 6. Plaintiffs do not oppose Motions *in Limine* No. 5 (except for a witness who is unavailable for medical or similar reasons), and Motion *in Limine* No. 7.

DATED the 1st day of February, 2023.

CROWLEY FLECK PLLP

By /s/ Mark L. Stermitz

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of February, 2023, a copy of the foregoing document was served on the following persons by the following means:

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