

1 Paul Hoffman (SBN 71244)
Victoria Don (SBN 268407)
2 Adrienne Quarry (SBN 245186)
SCHONBRUN DESIMONE SEPLOW
3 HARRIS & HOFFMAN LLP
723 Ocean Front Walk
4 Venice, CA 90291
Telephone: (310) 396-0731
5 Facsimile: (310) 399-7040

6 Attorneys for Plaintiff
TRACIE RICE
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FILED
LOS ANGELES SUPERIOR COURT
JUN 21 2010
JOHN A. CLARKE, CLERK
E. San A
BY ERIN SAN ANGELES, DEPUTY

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 TRACIE RICE,
12 Plaintiff,

13 vs.

14 LINDSAY LOHAN, an individual, and DOES
15 1 through 10, inclusive,
16 Defendants.
17

) Case No. SC 094931
) Date of Hearing: July 7, 2010
) Time of Hearing: 9:00 AM*
) Judge: Stone
) Dept: X
) Date of Filing: June 21, 2010
) Trial Date: July 26, 2010

) **MOTION IN LIMINE TO**
) **EXCLUDE TESTIMONY ABOUT**
) **LOHAN BEING POOR OR NOT**
) **CURRENTLY HAVING MONEY**

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TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff Tracie Rice hereby moves this Court for an order to exclude all testimony about Lindsay Lohan not having money or currently being poor or in debt. Plaintiff Tracie Rice further moves this Court to instruct Defendant, and require her to advise all witnesses:

(1) Not to attempt to convey to the jury, directly or indirectly, any of the facts mentioned in this Motion without first obtaining permission of the Court outside the presence and hearing of the jury;

(2) Not to make any reference to the fact that this Motion has been filed; and

(3) To warn and caution each of Defendant's witnesses to strictly follow the same instructions.

The motion is based upon the ground that the evidence is irrelevant and immaterial to the issues in this action and unduly prejudicial. This motion is based on the supporting Memorandum of Points and Authorities, the pleadings and papers on file in this action, and upon such argument and evidence as may be presented prior to or at the hearing of this matter.

Date: July 21, 2010

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MEMORANDUM OF POINTS AND AUTHORITIES

I. PRELIMINARY STATEMENT

On July 24, 2007, Plaintiff Tracie Rice was driving home with a friend when Defendant Lindsay Lohan, while intoxicated on alcohol and cocaine, chased the two women at high speeds through Santa Monica, putting the Plaintiff's life in serious danger.

II. MEET AND CONFER HISTORY

Plaintiff made a good-faith effort to resolve this issue before resorting to a motion before this Court. Plaintiff sent a meet and confer letter detailing the grounds for bringing this motion but counsel were not able to come to an agreement, thus necessitating this motion.

III. ARGUMENT

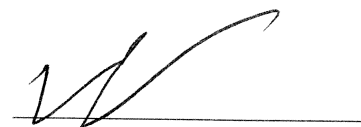
Evidence about Defendant Lohan's financial condition, including current financial difficulties or lack of funds, should be excluded as irrelevant and immaterial to this case.. Evidence Code 350 states that "(n)o evidence is admissible except relevant evidence." Relevant evidence is defined by Evidence Code Section 210, as "having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." Defendant Lohan's financial condition or current lack of funds does not make it more or less likely that she chased Plaintiff Tracie Rice at high speeds through Santa Monica. *People v. Jones*, (1954) 42 Cal. 2d 219, 222, ("[t]he test of relevancy for indirect evidence is whether it tends logically, naturally, and by reasonable inference to prove or disprove a material issue.").

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IV. CONCLUSION

Based on the foregoing, Plaintiff Tracie Rice respectfully requests that this Court enter an order excluding testimony about Defendant Lohan's financial condition, including current financial difficulties or lack of funds.

July 21, 2010



Victoria Don

Attorney for Plaintiff Tracie Rice



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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 723 Ocean Front Walk, Venice, California 90291.

On June 21, 2010, I served the foregoing document described as:

MOTION IN LIMINE TO EXCLUDE TESTIMONY ABOUT LOHAN BEING POOR OR NOT CURRENTLY HAVING MONEY

on all interested parties in this action by placing ___ an original or X a true copy thereof enclosed in sealed envelopes addressed as follows:

Edwin F. McPherson
McPherson Rane LLP
1801 Century Park East
24th Floor
Los Angeles, CA 90067
Fax: (310) 553-9233

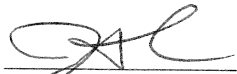
Randall Billington
17100 Gillette Avenue, Suite 137
Irvine, CA 92614
(951) 544-6560 tel
(951) 346-5588 fax

X **[PERSONAL DELIVERY]** I caused the foregoing document to be personally served on the interested party.

X **[BY FAX]** I transmitted said document to the above fax number(s).
(To Randall Billington Only)

X **[STATE]** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 21, 2010, at Venice, California.



Jonathan A. Cotton