

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACK BEAM and RENEE BEAM,

Plaintiffs,

v.

MATTHEW S. PETERSEN, FEDERAL
ELECTION COMMISSION CHAIRMAN,

Defendant.

Civil No. 07cv1227

Judge Rebecca R. Pallmeyer

Magistrate Judge Cole

DEFENDANT'S MOTION IN LIMINE

DEFENDANT FEDERAL ELECTION COMMISSION'S MOTION IN LIMINE

Defendant Federal Election Commission ("FEC") moves this Court pursuant to Federal Rule of Evidence 104(a) to exclude the following evidence from trial on plaintiffs' Right to Financial Privacy Act ("RFPA"), 12 U.S.C. §§ 3401-3422, claim:

1. Evidence relevant only to claims the Court has already dismissed;
2. Evidence relevant only to the Department of Justice's ("DOJ") criminal investigation, indictment, or trial of Geoffrey Fieger and Vernon Johnson;
3. Evidence breaching the secrecy of the Fieger-Johnson grand jury investigation;
4. Examination of DOJ trial attorney M. Kendall Day on irrelevant or protected topics;
5. Evidence of claimed actual damages beyond any pecuniary harm caused by the alleged RFPA violation; and
6. Documents listed on the FEC's privilege log.

PLEASE TAKE NOTICE that Defendant's Motion In Limine will be presented to the Honorable Rebecca R. Pallmeyer on Thursday, July 8, 2010, at 9 a.m., or as soon thereafter as counsel may be heard.

Respectfully submitted,

Thomasenia P. Duncan
General Counsel

David Kolker
Associate General Counsel

Harry J. Summers
Assistant General Counsel

Benjamin A. Streeter III
Attorney

/s/ Holly J. Baker
Holly J. Baker
Attorney

July 6, 2010

FOR THE DEFENDANT
FEDERAL ELECTION COMMISSION
AND ITS CHAIRMAN

999 E Street, N.W.
Washington, D.C. 20463
(202) 694-1650