



**LAW OFFICE OF GERALD
OGINSKI, LLC**

67 Cutter Mill Road
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginiski-Law.com

Trial practice-What is a motion in limine?

There's something my client did in his history that he's not very proud of. Is there any possible way that I can try and keep that information out of the entire trial, but do it before the trial actually gets started? You want to know the answer? Come join me for a moment as I share with you some great information. Hi I'm Gerry Oginiski. I'm a New York Medical Malpractice and Personal Injury Attorney practicing law in the state of New York. The answer is yes. There is the possibility that I can go ahead and ask the judge before the trial starts to try and keep out certain information.

Now, there may be something in my client's history, maybe it involves alcohol. Maybe it involved drugs that was not the prescription variety. Maybe it involves something criminal, where he was convicted of a crime and maybe went to jail. Now I need to know before the trial starts whether or not that information is going to come in and the jury is going to hear about it. The best thing that I can do is to try and preempt, prevent this type of thing from coming in. Now how can I do that before the trial actually starts?

Well there's a procedure known as a Motion In Limine. It's a request of the court to deal with something before the trial actually gets started. Typically it involves a piece of information that we try and get into evidence before the trial starts, or we're trying to get a ruling from the court saying that, "No, you cannot introduce this particular information into evidence at the time of trial, and in fact you cannot even mention it."

Now, depending upon what the problem is, I now have to present to the judge a specific reason, a legal reason why that information should not be coming in at the time of trial, and why we should be dealing with it before the trial actually starts. Now, after I submit my

formal request to the judge in writing the defense is also going to have an opportunity to go ahead and oppose that request. He's going to put in papers explaining why that information should come into court.

There are some instances where the judge will say, "Listen, I'm not going to deal with this issue now. I'm going to put this in front of the jury, let the jury make a decision about whether or not this stuff has any bearing or has any weight that's going to affect their outcome. I think they need to hear that." Basically, what he's saying is that it is a question of fact for the jury to evaluate and not a question of law.

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in a civil lawsuit involving an accident case, or a medical malpractice case, or even a wrongful death case here in the state of New York. You know, I recognize you're watching this video because you likely have questions or concerns about your own particular matter. Well, if your matter did happen here in New York and you're thinking about bringing a lawsuit, but you have legal questions, what I encourage you to do is pick up the phone and call me. I can answer your legal questions. You know, this is something I do every single day, and I'd love to chat with you. You can reach me at 516-487-8207, or by email at Gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a wonderful day.