

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

PARENTS of MELISSA, on behalf of their)	
Daughter, MELISSA)	
)	
Plaintiff,)	No. 182016
)	
v.)	
)	
MURPHY'S STABLES, an Illinois)	
Corporation; PATCH 42, an Illinois)	
Corporation; SALLY; FRICK and FRACK)	
)	
Defendant(s).)	

MOTION *IN LIMINE* TO EXCLUDE, OR IN THE ALTERNATIVE LIMIT, THE

TESTIMONY OF MATT FORTE

NOW COMES defendant, MURPHY'S STABLES; PATCH 42; SALLY; FRICK and FRACK, (the "Defendants") and files this Motion *in Limine* to Exclude, or in the Alternative Limit, the Testimony of Matt Forte. As grounds for this Motion, the statements made by Matt Forte are hearsay and may not be admitted at trial by the Plaintiff. In further support of this motion, the Defendants say as follows:

BACKGROUND

1. FRICK and FRACK were told by SALLY to monitor 2 kegs of beer for guest consumption. The 2 kegs were set up at a self-service bar, where FRICK and FRACK were to monitor the levels of beer in the keg. If the beer was low, FRICK and FRACK were to notify SALLY for refilling.

2. Matt Forte, an invited guest at the Halloween Bash, was at the party where the alcohol was provided for the guests' free consumption. In his statements, Matt Forte has, at various points, stated that he saw SALLY talking to FRICK and FRACK. He also states that he heard SALLY tell FRICK and FRACK to "monitor and regulate the guests' consumption." Based on what he heard and saw, Matt Forte has stated several times that FRICK and FRACK had a duty to monitor and regulate the guests' consumption of alcohol.

BACKGROUND

3. "Hearsay is not admissible except as provided by these rules, by other rules prescribed by the Supreme Court, or by statute as provided in Rule 101." IL R Evid. Rule 802. "Hearsay" is defined as "a statement, other than one made by the declarant while testifying at trial or hearing or hearing, offered in evidence to prove the truth of the matter asserted." IL R Evid. Rule 801(c).
4. Any out-of-court statement made by SALLY or FRICK or FRACK to others at the party regarding the monitoring of the kegs would be "a statement, other than one made by the declarant while testifying at trial or hearing." *Id.* Any such statement would also be offered to prove the truth of what the statement asserts (i.e. that FRICK and FRACK had a duty to monitor and regulate the guests' consumption of alcohol). Matt Forte's statements, therefore, are classic hearsay and must be excluded from trial.

WHEREFORE, the Defendants respectfully requests that this Honorable Court:

- A. Grant the Defendant's motion to exclude any statements made by SALLY to FRICK or FRACK; and

B. Grant further relief as may be deemed just and proper.

Respectfully submitted,

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