

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Harold Lischner	:	No. 05-CV-4546
Plaintiff	:	
	:	
vs.	:	
	:	
Upper Darby Township and	:	JURY TRIAL DEMANDED
Officer Michael Kehrle	:	
Defendants	:	

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Defendant’s Motion in Limine, and any response thereto, it is hereby **ORDERED and DECREED** that the parties and counsel are precluded at trial from presenting evidence, and/or otherwise revealing, that President George W. Bush was the presidential candidate who appeared at Drexelbrook on the date of the alleged incident.

BY THE COURT:

GENE E.K. PRATTER
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Harold Lischner	:	No. 05-CV-4546
Plaintiff	:	
	:	
vs.	:	
	:	
Upper Darby Township and	:	JURY TRIAL DEMANDED
Officer Michael Kehrle	:	
Defendants	:	

DEFENDANT’S MOTION IN LIMINE TO PRECLUDE EVIDENCE
IDENTIFYING PRESIDENT GEORGE W. BUSH AS THE POLITICAL
CANDIDATE AT DREXELBROOK

Defendant, by and through their attorney, Michael P. Laffey, hereby files this Motion in Limine to preclude evidence identifying President George W. Bush as the featured political candidate at the Drexelbrook Catering Facility, and avers the following in support thereof:

1. On September 15, 2003, President George W. Bush appeared at the Drexelbrook Catering Facility at Drexelbrook for a dinner organized by local supporters.
2. Plaintiff appeared at Drexelbrook and displayed a sign that, purportedly, opposed the war in Iraq.
3. Plaintiff was ultimately arrested for Defiant Trespass.
4. According to the latest NEWSWEEK Poll, President George W. Bush has “*the worst approval rating of an American president in a generation.*” (See May 5, 2007 MSNBC article, attached hereto and made a part hereof as Exhibit “A”).
5. Currently, sixty two per cent (62%) of Americans believe that President Bush’s actions in Iraq show he is “*stubborn and unwilling to admit his mistakes.*” (See Exhibit “A”).

6. The war in Iraq was ongoing at the time of Plaintiff's arrest.
7. Organized protests against the war in Iraq were ongoing in the United States at the time of Plaintiff's arrest. (*See* February 16, 2003 CNN article, attached hereto and made a part hereof as Exhibit "**B**").
8. The identity of George W. Bush has no relevance to Plaintiff's claim and should not be admitted.
9. Alternatively, any probative value of George W. Bush's identity is substantially outweighed by the danger of unfair prejudice to Defendant.
10. First, President Bush's identity, in and of itself, presents the danger that the jury will favor Plaintiff. (*See* Exhibit "**A**").
11. Additionally, revealing President Bush's identity to the jury presents the danger that the jury will infer that Plaintiff was protesting the war in Iraq (a war that is as popular among Americans as the war in Vietnam).
12. Plaintiff's political affiliation played no part in the decision to arrest him; thus, the identity of Plaintiff's political foes has no relevance and should play no part in the jury's decision.
13. It will be sufficient for Plaintiff to testify that he displayed a sign in opposition of a "presidential candidate."

WHEREFORE, Defendant respectfully requests that this Honorable Court preclude evidence identifying President George W. Bush as the featured political candidate at Drexelbrook.

Respectfully Submitted,

MPL6095 _____
Michael P. Laffey
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Michael P. Laffey, Esquire, counsel for Defendants hereby certifies that a true and correct copy of the within Motion in Limine to Preclude Evidence Identifying President George W. Bush as the Political Candidate at Drexelbrook was served upon the following individual via electronically or by U.S. First Class Mail this 11th day of May 2007:

Jonathan Feinberg, Esquire
Kairys, Rudovsky, et al.
924 Cherry Street – Suite 500
Philadelphia, PA 19107

Respectfully submitted,

HOLSTEN & ASSOCIATES

BY: MPL6095
MICHAEL P. LAFFEY, ESQUIRE
Attorney for Defendants