

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS C. AND PAMELA MCINTOSH

PLAINTIFFS

VERSUS

1:06cv01080-LTS-RHW

**STATE FARM FIRE AND CASUALTY COMPANY,
ET AL.**

DEFENDANTS

**DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
MOTION *IN LIMINE* NO. 6: TO EXCLUDE
EVIDENCE OF OUT-OF-STATE CONDUCT**

Defendant State Farm Fire and Casualty Company ("State Farm") hereby moves the Court *in limine* to exclude evidence of conduct by State Farm that occurred in states other than Mississippi. As set forth in the accompanying Memorandum of Law, the introduction of evidence of out-of-state conduct by State Farm would be impermissible as a matter of federal constitutional law and under the law of this State. State Farm incorporates by reference its memorandum of Law in Support of this Motion as fully as if it were repeated verbatim herein.

WHEREFORE, Defendant State Farm respectfully requests that the Court grant this motion and enter an Order instructing Plaintiffs and Plaintiffs' counsel not to mention, refer to, interrogate concerning or attempt to introduce into evidence or comment upon during opening or closing arguments, any

information, documentary evidence or reference to out-of-state conduct by State Farm.

Dated: January 11, 2008

Respectfully submitted,

/s/ John A. Banahan
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CERTIFICATE OF SERVICE

I, **JOHN A. BANAHAN**, one of the attorneys for the Defendant, **STATE FARM FIRE & CASUALTY COMPANY**, do hereby certify that I have this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED, this the 11th day of January, 2008.

/s/ John A. Banahan
JOHN A. BANAHAN

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