
MARTIN BLASH : *PHILADELPHIA COUNTY*
: *COURT OF COMMON PLEAS*
:
v. : *LAW DIVISION*
:
CHRISTOPHER BAUER, et al. : *AUGUST TERM, 2007*
:
: *No.: 2621*
: *(LEAD CASE/CONSOLIDATED CAPTION)*

MARTIN BLASH : *PHILADELPHIA COUNTY*
: *COURT OF COMMON PLEAS*
:
v. : *LAW DIVISION*
:
ABA CONSTRUCTION GROUP, INC., et al. : *JUNE TERM, 2007*
:
: *No.: 0769*

ORDER

AND NOW, this day of , 2009, it is hereby **ORDERED AND DECREED** that Steve Leventhal, Esquire, counsel for defendant, ABA Construction Group, Inc., is precluded from referencing the fact that he is a professional magician and is precluded from performing any magic tricks and/or magic acts in the presentation of his clients' case to the jury. Failure to abide by this Order will result in the imposition of appropriate sanctions.

BY THE COURT:

J.

LAW OFFICES OF JOHN T. DOOLEY, LLC

By: John T. Dooley, Esquire/William J. Coppel, Esquire

Identification Nos.: 68801/84666

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ATTORNEY FOR PLAINTIFF(S)

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MOTION IN LIMINE OF PLAINTIFF, MARTIN BLASH, TO PRECLUDE COUNSEL FOR DEFENDANT, ABA CONSTRUCTION GROUP, INC., FROM REFERENCING THE FACT THAT HE IS A PROFESSIONAL MAGICIAN AND FROM PERFORMING ANY MAGIC TRICKS AND/OR MAGIC ACTS IN THE PRESENTATION OF HIS CLIENTS' CASE TO THE JURY

Plaintiff, Martin Blash, by and through his attorneys, Law Offices of John T. Dooley, LLC, anticipates that at the time of trial of this action, counsel for defendant, ABA Construction Group, Inc., will attempt to perform magic tricks and/or magic acts in the presentation of his clients' case to the jury.

1. In anticipation of Steve Leventhal, Esquire, counsel for defendant, ABA Construction Group, Inc., performing magic tricks and/or magic acts at trial during the presentation of his clients' case to the jury, plaintiff objects to same as being highly prejudicial, confusing, misleading for the jury and having absolutely nothing to do with the substantive issues in this matter.

2. Pennsylvania Rule of Evidence 401 states:

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Pa. R.E. 401.

3. Pennsylvania Rule of Evidence 402 states:

All relevant evidence is admissible, except as otherwise provided by law. Evidence that is not relevant is not admissible.

Pa. R.E. 402.

4. Pennsylvania Rule of Evidence 403 states:

Although relevant, *evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury*, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Pa. R.E. 403.

5. Counsel for defendant, ABA Construction Group, Inc., must be precluded from performing any magic tricks and/or magic acts at trial during his presentation to the jury, as any purported probative value of this testimony and/or evidence is outweighed by the danger of unfair prejudice, confusion of the issues and is intended by defense counsel to ultimately mislead the jury and take their eyes off his client's negligence.

WHEREFORE, Plaintiff, Martin Blash, respectfully requests this Honorable Court to grant Plaintiff's Motion in Limine to preclude counsel for defendant, ABA Construction Group, Inc., from referencing the fact that he is a professional magician and from performing any magic tricks and/or magic acts in the presentation of his clients' case to the jury.

Respectfully submitted,

LAW OFFICES OF JOHN T. DOOLEY, LLC

BY: _____ /s/

John T. Dooley, Esquire
William J. Coppol, Esquire
Attorneys for Plaintiff,
Martin Blash

LAW OFFICES OF JOHN T. DOOLEY, LLC

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**MEMORANDUM OF LAW OF PLAINTIFF, MARTIN BLASH, IN SUPPORT OF HIS MOTION
IN LIMINE TO PRECLUDE COUNSEL FOR DEFENDANT, ABA CONSTRUCTION GROUP,
INC., ET AL., FROM REFERENCING THE FACT THAT HE IS A PROFESSIONAL MAGICIAN
AND FROM PERFORMING ANY MAGIC TRICKS AND/OR MAGIC ACTS IN THE
PRESENTATION OF HIS CLIENTS' CASE TO THE JURY**

I. MATTER BEFORE THE COURT

Motion in Limine of Plaintiff, Martin Blash, to preclude Steve Leventhal, Esquire, counsel for defendant, ABA Construction Group, Inc., from performing magic tricks and/or magic acts at trial during the presentation of his clients' case to the jury.

II. STATEMENT OF QUESTION INVOLVED

Should counsel for defendant, ABA Construction Group, Inc., et al., be precluded from referencing the fact that he is a professional magician and performing magic tricks and/or magic acts at trial during the presentation of his clients' case to the jury?

SUGGESTED ANSWER: YES.

III. STATEMENT OF FACTS

In anticipation of counsel for defendant, ABA Construction Group, Inc., et al., performing magic tricks and/or acts at trial during the presentation of his clients' case to the jury, plaintiff objects to same as being highly prejudicial, confusing, misleading for the jury and having absolutely nothing to do with the substantive issues in this matter.

IV. LEGAL ARGUMENT

COUNSEL FOR DEFENDANT, ABA CONSTRUCTION GROUP, INC., ET AL., MUST BE PRECLUDED FROM REFERENCING THE FACT THAT HE IS A PROFESSIONAL MAGICIAN AND FROM PERFORMING ANY MAGIC TRICKS AND/OR MAGIC ACTS IN THE PRESENTATION OF HIS CLIENTS' CASE TO THE JURY

Pennsylvania Rule of Evidence 401 states:

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

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Pa. R.E. 403.

Counsel for defendant, ABA Construction Group, Inc., must be precluded from performing any magic tricks and/or acts at trial during his presentation to the jury, as any purported probative value of this testimony and/or evidence is outweighed by the danger of unfair prejudice, confusion of the issues and is intended by defense counsel to ultimately mislead the jury and take their eyes off his client's negligence.

V. **CONCLUSION**

For all the aforementioned reasons, Plaintiff, Martin Blash, respectfully requests this Honorable Court to grant Plaintiff's Motion in Limine to preclude counsel for defendant, ABA Construction Group, Inc., from referencing the fact that he is a professional magician and from performing any magic tricks and/or magic acts in the presentation of his clients' case to the jury.

Respectfully submitted,

LAW OFFICES OF JOHN T. DOOLEY, LLC

BY: _____/s/

John T. Dooley, Esquire
William J. Coppol, Esquire
Attorneys for Plaintiff,
Martin Blash

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the within Motion in Limine of Plaintiff, Martin Blash, to preclude counsel for defendant, ABA Construction Group, Inc., from performing magic tricks and/or acts at trial during the presentation of his clients' case to the jury this day via regular mail upon the following:

Steven G. Leventhal, Esquire
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LAW OFFICES OF JOHN T. DOOLEY, LLC

BY: _____ /s/_____
John T. Dooley, Esquire
William J. Coppel, Esquire
Attorneys for Plaintiff,
Martin Blash

DATE: 2/13/09