

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 97-3924-CIV-LENARD/SIMONTON

JERRY GREENBERG, individually

Plaintiff,

CONSENT CASE

v.

NATIONAL GEOGRAPHIC SOCIETY, et al.,
Defendants.

ORDER DENYING MOTION IN LIMINE AND GRANTING
LIMITING INSTRUCTION RE: BLACKED-OUT PHOTOS

Based upon the arguments presented by counsel regarding the claim by the Defendants that testimony regarding the fact that certain photographs have been blacked out in the CNG CD-ROM, the Court will provide the following limiting instruction, upon request by the Defendants at the appropriate time during the trial:

The members of the jury are instructed that they are not to speculate on the reason that certain photographs were not reproduced in the Complete National Geographic CD-ROM library. This evidence is offered only for the purpose of establishing that, in fact, not all photographs were included.

The parties shall advise the Court of any proposed modifications or additions they request with respect to the above curative instruction. Based upon the determination by the Court that such an instruction is sufficient to cure any undue prejudice, it is

ORDERED AND ADJUDGED that the Defendants' ore tenus Motion in Limine to preclude all reference to the fact that any photographs have been blacked out, or removed, from the CNG CD-ROM library is **DENIED**.

DONE AND ORDERED in Miami, Florida, this 26th day of February 2003.


ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE