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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF ARIZONA**

19 United States of America,

20 Plaintiff,

21 v.

22 Michael Lacey, et al.,

23 Defendants.
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CR-18-422-PHX-DJH

**UNITED STATES' MOTION
IN LIMINE TO PRECLUDE
DEFENSE FROM REFERENCING
CRAIGSLIST MEETINGS WITH
ATTORNEYS GENERAL**

1 The United States moves *in limine* to preclude the defense from referencing in
2 opening statements any inadmissible hearsay regarding meetings between state Attorneys
3 General and individuals at Craigslist. In opening statements on September 8, 2021, the
4 defense stated: “They talk about charging for the ads, okay. Guess where charging for the
5 ads came from? The Attorney Generals [sic] met with Craigslist and said to Craigslist ‘We
6 want you to charge for these adult ads because it will create a paper trail that we can find
7 and, if you follow the money, you find the people involved.’ . . . [T]he Attorneys General
8 asked that the ads be charged for, and so that’s what Craigslist did.” (Doc. 1342 at 43:21-
9 44:6.)¹

10 Any meetings between Craigslist representatives and Attorneys General would be
11 completely irrelevant to the instant matter. Fed. R. Evid. 401. What any state law
12 enforcement official said to people at a different company has absolutely no bearing on the
13 questions presented to the jury in this case and thus should be precluded from being
14 referenced in any way simply on the basis of relevance alone.

15 Additionally, there is no indication that the defense intends to call any of the
16 Attorneys General or any of the individuals from Craigslist who were in such meetings.
17 Consequently, this is quintessential hearsay without any suggestion that a percipient
18 witness will be present in the trial to testify to such statements. Therefore, it should be
19 excluded from trial if the defense attempts to introduce such statements without a proper
20 witness. Fed. R. Evid. 801(c), 802. Furthermore, the defense should be precluded from
21 introducing such inadmissible hearsay in the presence of the jury during opening
22 statements or otherwise. Indeed, to permit such inadmissible hearsay would be more
23 unfairly prejudicial than probative. Fed. R. Evid. 403.

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28 ¹ Certification: On June 5, 2023, counsel for the United States met and conferred in good faith with Defendants’ counsel regarding the relief requested in this motion, and the parties could not reach agreement. The Court has not previously considered or ruled on the motion.

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Conclusion

This Court should preclude the defense from referencing any statements between any non-testifying Attorneys General and any non-testifying witness from Craigslist.

Respectfully submitted this 8th day of June, 2023.

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s/Kevin M. Rapp
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CERTIFICATE OF SERVICE

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I hereby certify that on June 8, 2023, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants who have entered their appearance as counsel of record.

s/ Daniel Parke
Daniel Parke
U.S. Attorney’s Office