

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**IN RE PEANUT FARMERS
ANTITRUST LITIGATION**

CIVIL ACTION NO. 2:19cv463

ORDER

This class action is based on allegations by Plaintiff peanut growers that the Defendant Golden Peanut Company (“Golden Peanut” or “Defendant”), with others, engaged in a multi-year conspiracy to fix the price of Runner peanuts. Before the Court now is Plaintiffs’ Motion in Limine to Exclude Evidence Relating to Plaintiffs’ Contacts with Other Peanut Farmers and memorandum in support. ECF No. 312, 313-316.¹ Defendant filed its opposition, ECF Nos. 425, 432, attach. 11-17,² and Plaintiffs replied, ECF Nos. 449-451.³ The Court decides the Motion without a hearing pursuant to Fed. R. Civ. P. 78(b) and E.D. Va. Local Civil Rule 7(J).

A. Legal Standard

This Court has previously noted: “[a]lthough not specifically provided for in the Federal Rules of Evidence, motions in limine ha[ve] evolved under the federal courts’ inherent authority to manage trials. The purpose of a motion in limine is to allow a court to rule on evidentiary issues in advance of trial in order to avoid delay, ensure an even-handed and expeditious trial, and focus the issues the jury will consider.” However, a motion in limine should be granted only when the

¹ Both parties submitted redacted (and publicly filed) and unredacted (and under seal) versions of their briefing and exhibits. Except as where otherwise noted, the Court’s citations are to the publicly filed briefs.

² See n.1.

³ See n.1.

evidence is clearly inadmissible on all potential grounds.” *Intelligent Verification Sys., LLC v. Microsoft Corp.*, No. 2:12-CV-525, 2015 WL 1518099, at *9 (E.D. Va. Mar. 31, 2015), *aff’d sub nom. Intelligent Verification Sys., LLC v. Majesco Entm’t Co.*, 628 F. App’x 767 (Fed. Cir. 2016) (citations and internal quotation marks omitted).

B. Discussion

Based on certain questions defense counsel asked during depositions, Plaintiffs seek an Order preventing Golden Peanut from making any reference to Plaintiffs’ contacts with other peanut farmers, especially with respect to peanut market information, including prices. ECF No. 315. Plaintiffs argue that such information is irrelevant to Golden Peanut’s conduct under Fed. R. Evid. 402, which is the conduct at issue in this case, and unfairly prejudicial to Plaintiffs under Rule 403 to the extent it suggests that Plaintiff’s own conduct is at issue. *Id.* Golden Peanut argues that such evidence is relevant to demonstrate that Plaintiffs’ discussions regarding pricing information tends to establish that such information was publicly known and not confidential, and to demonstrate that there are legitimate reasons for competitors to discuss market information. ECF No. 425. It asserts it would not offer such communications to suggest Plaintiffs’ conduct was untoward. *Id.*

Mindful of the proposition that motions in limine should be granted “only when the evidence is clearly inadmissible on all potential grounds,” under these circumstances the Court cannot say that there are no grounds on which Plaintiffs’ communications amongst each other regarding peanut market information might be relevant. Either of the potential grounds Golden Peanut asserts may make certain communications relevant depending on the specific matters discussed and the circumstances under which such communications occurred. This is so because the relevance of any particular evidence often depends upon the context and purpose for which it

is offered. “A reviewing court is handicapped in any effort to rule on subtle evidentiary questions outside a factual context.” *Luce v. United States*, 469 U.S. 38, 42 (1984). A blanket bar on such a broad category of information outside the factual context in which it might be offered goes too far. “Orders in limine which exclude broad categories of evidence should rarely be employed. A better practice is to deal with questions of admissibility of evidence when they arise.” *Sperberg v. Goodyear Tire & Rubber Co.*, 519 F.2d 708, 712 (6th Cir.1975). The trial judge is in the best position to determine, in real time, the relevance and admissibility of this type of evidence. Accordingly, Plaintiffs’ Motion, ECF No. 312, is **DENIED**.

The Clerk is **DIRECTED** to forward a copy of this Order to all counsel of record.

IT IS SO ORDERED.


LAWRENCE R. LEONARD
UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia
February 22, 2021