

Notice of Motion and Affirmation of Pfeil, United States District Court, Western District of New York in the matter of Akil Al-Jundi, et al. v. Estate of Russell Oswald, et al.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, et al.,
Plaintiffs,
vs.
THE ESTATE OF RUSSELL OSWALD, et al.,
Defendants.

NOTICE OF MOTION
Civil No. 75-132B

PLEASE TAKE NOTICE that, upon the signed affirmation of Mitchell J. Damas, Jr. (and all annexed exhibits), and upon the accompanying memorandum of law, the defendant Earl Pfeil will move this Court at a date and time to be determined at Part III, 68 Court Street, Buffalo, New York, for an Order (1) precluding plaintiffs from introducing at trial the expert reports and/or testimony of Dr. Richard G. Dudley and Dr. David J. Barry, pursuant to the Order of Judge Maxwell (dated June 29, 1997 and Federal Rules of Evidence 702, 401, 703 and 602); (2) precluding plaintiffs from informing the jury in any way of the possibility of state identification of Mr. Pfeil; (3) excluding each witness from the courtroom during the trial until he or she has been called to testify; and (4) granting such other and further relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 7.3(c) of the Local Rules of Civil Procedure for the Western District of New York, defendant intends to file and serve reply papers; accordingly, answering affidavits and papers, if any, must be

Notice of Motion and Affirmation for Pfeil, United States District Court, Western District of New York in the matter of Akil Al-Jundi, et al. v. Estate of Russell Oswald, et al. The Notice, dated May 15, 1997, asks the Court, among other requests, to preclude Plaintiffs from introducing the expert reports and/or testimony of Dr. Richard G. Dudley and Dr. David J. Barry. Attached as exhibits are the psychiatric evaluations of Brosig, Smith, Shorts, Sheppard, King, Al-Jundi; Order of the Hon. Michael A. Telesca with respect to questionnaires; copy of a questionnaire received by the Court; partial transcript of Pre-Trial Motions before the Hon. John T. Elfvin dated October 21, 1994; partial transcript of jury trial before Elfvin dated October 22, 1991.

Identifier

NYSA_W0100-21_00003192

Alternate Identifier

Case Files: 75-132

Source

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