

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DAVID LAMPER and ALICE LAMPER :  
Plaintiffs :  
: No. 04-01258  
vs. :  
:  
JAMES RYAN and TINA RYAN : Plaintiffs' Motion in Limine  
Defendants :

**ORDER**

AND NOW, this \_\_\_\_ day of April 2006, upon consideration of Plaintiffs' motion in limine, it is ORDERED and DIRECTED as follows:

1. With respect to the photographs of the premises and the expert reports relating to mold, the Court DENIES Plaintiffs' motion in limine to preclude this evidence; provided Defendants can produce testimony that the premises were in substantially the same condition in the summer of 2003 as they were when the photographs were taken in August 2004. The Court finds the delay of approximately one year goes to the weight of the evidence and not its admissibility. The Court, however, will permit Plaintiffs to introduce evidence about the circumstances surrounding Defendants entry onto the premises in violation of the Rules of Civil Procedure. The Court will also consider giving the jury a cautionary instruction. Counsel shall submit any proposed cautionary instruction on this issue when they submit their proposed jury instructions to the Court.

2. With respect to Dr. Olingenski, the Court believes the issue is moot as Dr. Olingenski refuses to testify for Defendants and the Court has granted Plaintiffs' motion for summary judgment directed to Defendants' Cross-complaint.

3. The Court also believes the motion in limine directed to the report of John Risser is moot because the Court granted summary judgment and dismissed the claims raised in Defendants' Cross-complaint.

By The Court,

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Kenneth D. Brown, P.J.

cc: David Shipman, Esquire  
Douglas Engelman, Esquire  
Bernard Walter, Esquire  
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Gary Weber, Esquire (Lycoming Reporter)