

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 1:23-cr-00061-MN
)	
ROBERT HUNTER BIDEN,)	
)	
Defendant.)	
)	
)	

**MR. BIDEN’S MOTION *IN LIMINE* TO EXCLUDE ANY REFERENCE TO HIS
ALLEGED “EXTRAVAGANT LIFESTYLE” (MIL #4)**

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Mr. Biden moves to exclude any argument, reference, or questioning at trial regarding his alleged spending on an “extravagant lifestyle” during periods that Mr. Biden was suffering from addiction.¹ During the parties’ call on May 10, 2024, the Special Counsel indicated that some of their fact witnesses may have interacted with Mr. Biden during those periods, which could open the door to this topic. Mr. Biden disagrees. Any reference to this issue, including using the characterization in the Special Counsel’s California indictment (e.g., spending on “an extravagant lifestyle”) would not be relevant to the issues or charges in the Delaware gun case, and would be prejudicial beyond any probative value and pose a danger of confusing the issues and misleading the jury. Fed. R. Evid. 403; *United States v. Lattanzio*, 2018 WL 1837856, at *14 (D.N.J. Apr. 16, 2018) (“Admission of lifestyle evidence carries a danger of appealing to class resentments, and so requires the weighing of probativeness against prejudice.”); *United States v. Jackson–Randolph*, 282 F.3d 369, 378 (6th Cir. 2002) (“Use of a defendant’s wealth to appeal to class bias can be highly improper and can deprive that defendant of a fair trial. But evidence of wealth or extravagant spending may be admissible *when relevant* to issues in the case”) (emphasis added); *see also Kitsch LLC v. DeeJayzoo, LLC*, 2023 WL 4291445, at *5 (C.D. Cal. May 8, 2023) (on motion to exclude derogatory or inflammatory descriptions about plaintiff or its products, such as “knockoff,” “Chinese,” or “pirate,” the court excluded such terms under Federal Rule of Evidence 403, and stated “parties shall make their arguments in neutral, non-inflammatory terms.”).

Here, any evidence or testimony about alleged extravagant spending or lifestyle is *not* relevant to issues in this case. Moreover, whatever testimony is needed from fact witnesses could

¹ These characterizations were repeatedly cited by the Special Counsel in its indictment in the California matter, *United States v. Biden*, No. 23-cr-00599-MCS, Indict. at 2, 11, 20, 25, 30, 55 (C.D. Cal. Dec. 7, 2023) (alleging Mr. Biden “spent millions of dollars on an extravagant lifestyle” and received financial support “to fund his extravagant lifestyle”).

occur with directions not to include such references or characterizations. Nor does the Special Counsel need to delve into the subject of how much money was spent or whether an event was extravagant. For example, a witness who testifies to meeting Mr. Biden at a hotel room or having dinner with him, should not be asked such questions as whether the hotel room or meal was extravagant, or how much the hotel room or meal cost. Accordingly, Mr. Biden respectfully requests that the Court exclude any reference to his alleged “extravagant lifestyle” during his periods of addiction.

Dated: May 20, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2024, I filed the foregoing Motion *in Limine* with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Abbe David Lowell
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