

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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E. JEAN CARROLL,

Plaintiff,

-against-

22-cv-10016 (LAK)

DONALD J. TRUMP,

Defendant.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

On April 19, 2023, plaintiff moved *in limine* to preclude defendant from offering evidence or making arguments prohibited by Fed. R. Evid. 412. She argues that defendant should be so precluded because he failed to follow the procedural requirements of Rule 412 and because he proposes to introduce evidence that falls within the proscriptions of that rule. Defendant responds that Rule 412 has no bearing because plaintiff's alleged inability to form intimate relationships after she allegedly was raped by the defendant goes to the issue of damages. Moreover, he goes on to argue that plaintiff to some extent discussed her sexual history in her book, *What Do We Need Men For?: A Modest Proposal*, and thus has opened the door to matters that, at first blush, seem to have no conceivable relevance to this case. Dkt. 146, at 11-14. But defendant has offered nothing approaching a definitive description of the evidence he proposes to elicit and the arguments he proposes to make, thus leaving the Court significantly uninformed.

In these circumstances, the motion to preclude defendant from offering evidence or making arguments prohibited by Fed. R. Evid. 412 (Dkt 121) is granted for the obvious reason that defendant should not be permitted to violate the rule. Given the manner in which this motion has been briefed, however, determination of what evidence and argument is precluded by Rule 412 will have to be determined at trial. Both sides might be well advised to exercise judgment about the content of their opening statements to avoid objections from opposing counsel.

SO ORDERED.

Dated: April 24, 2023

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Lewis A. Kaplan  
United States District Judge