No. 13-1116 – *Aaron Browning v. David Hickman*

**FILED**
June 10, 2015
**RORY L. PERRY II, CLERK**
**SUPREME COURT OF APPEALS**
**OF WEST VIRGINIA**

Justice Ketchum, concurring:

I totally agree with the excellent majority opinion. I write to emphasize that our recently amended *Rules of Evidence* not only discourage the use of motions *in limine*, but recognize that many of the motions that are filed are frivolous and a waste of judicial resources. The comment to Rule 103 of the new *Rules of Evidence* [2014] states:

> Motions *in limine* on legal issues presented in a vacuum are often frivolous. Boilerplate, generalized objections in motions *in limine* are inadequate and tantamount to not making any objection at all and will not preserve error. For example, a motion that simply asks the trial court to prohibit the adverse party from presenting hearsay evidence or mentioning insurance at trial is a waste of judicial resources. Generally, a motion *in limine* should not be filed (or granted) until the trial court has been given adequate context, and the evidence is sufficient to permit the trial court to make an informed ruling.