

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

DAVID A. BUTZEL

Plaintiff/Complainant

Law ~~Case~~ No. 195596

v. KENNETHA CAULIST ET AL.

Defendant/Respondent

ORDER

This case came before the Court on the 12<sup>th</sup> day of April, 2007, for ARGUMENT ON DEFENDANT'S MOTION TO EXCLUDE/ LIMIT TESTIMONY OF WITNESSES PERK.

It is ORDERED as follows: Motion is Granted in Part, DENIED in PART. DEFENDANT'S EXHIBITS WITNESSES + PERK WILL NOT, IN DIRECT TESTIMONY, OPINE THAT THE PLAINTIFF IS LYING, FAKING, MANIPULATING OR NOT CREDIBLE. ALL OTHER MATTERS ARE DEFERRED AND TO BE TAKEN UP AT TRIAL.

ENTERED this 12 day of April, 2007.

[Signature]  
Circuit Court Judge

[Signature]  
Counsel for Plaintiff/Complainant - by the undersigned or Roger J. Crenor (all objections preserved)

[Signature]  
Counsel for Defendant/Respondent

[Signature]  
COUNSEL FOR DEFENDANT EXHIBIT

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY,  
FLORIDA

CASE NO. 562009CA006624

THOMAS R. BOWES and ROBIN  
TUCKER

Plaintiffs

vs.

BLAKE HUNTER LANDIS and  
IAN LANDIS,

Defendants.

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**AGREED ORDER ON MOTION IN LIMINE REGARDING  
TESTIMONY OF DEFENSE EXPERT DR. DAVID S. BUSH**

THIS CAUSE coming on for hearing upon the Plaintiff's Motion in  
Limine Regarding Testimony of Defense Expert Dr. David S. Bush which  
has been agreed to by the defense, and the Court being fully advised in the  
premises, it is

ORDERED AND ADJUDGED as follows:

1. Neither the Defense nor the Plaintiff shall mention at any stage  
of the proceedings, or ask a question which would require the Defense  
expert, Dr. David S. Bush to answer said question by testifying concerning  
any findings or opinions which said expert witness has concerning the

subject of the Fake Bad Scale, also known as the Symptom Validities Scale, which is a part of the MMPI-2.

2. That Dr. Bush shall not testify or aver in any way that the Plaintiff, THOMAS BOWES, in any way over-reported or exaggerated any of his symptoms, including any physical, mental or neurological symptoms in any way whatsoever on any test performed.

3. That neither Dr. David S. Bush nor defense counsel shall in any way allege or aver that Mr. Bowes in any way was a malingerer or was anything less than honest in his responses to the MMPI test.

4. That as a result of the issuance of this Order on the Motion in Limine the deposition scheduled for October 28, 2011 in Minneapolis, Minnesota, is cancelled.

5. As a result of this Agreed Order, the *Frye* motion scheduled for November 18, 2011 is cancelled.

6. Should the Defendant believe that the Plaintiff in some way has "opened the door" for the discussion of any of the items mentioned in Paragraphs 1 – 3 above, the Defendant should be required to bring this matter to the Court's attention outside the presence of the jury before in any way violating the terms of this Agreed Order on Plaintiff's Motion in Limine.

7. That should the Plaintiff be successful in obtaining a verdict against the Defendant or Defendants in this case, that the cost of hiring Dr. James Butcher to prepare for the deposition of October 28, 2011 shall be a taxable cost.

DONE AND ORDERED in Fort Pierce, St. Lucie County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**SIGNED AND DATED**

**OCT 17 2011**

**DWIGHT L. GEIGER  
CIRCUIT JUDGE**

\_\_\_\_\_  
DWIGHT GEIGER, Circuit Judge

Copies Furnished:

ROGER N. MESSER, ESQ.  
RICHARD GAUNT, JR., ESQ.

IN THE CIRCUIT COURT OF THE  
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Plaintiffs

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**MOTION IN LIMINE REGARDING  
TESTIMONY OF DEFENSE EXPERT DR. DAVID S. BUSH**

COMES NOW the Plaintiff, THOMAS R. BOWES, by and through  
his undersigned attorney, and files this, his Motion in Limine Regarding the  
Testimony of Dr. David S. Bush and moves this Court, *in limine*, as follows:

1. To prevent Dr. Bush from:
  - A. Testifying regarding any of his findings or opinions  
which said expert witness may have concerning the subject of the  
Fake Bad Scale, also known as the Symptom Validity Scale, which is  
a part of the MMPI-2;