
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION**

Verizon Wireless (VAW) LLC,
CommNet Cellular License Holding, LLC,
Missouri Valley Cellular, Inc.,
Sanborn Cellular, Inc., and
Eastern South Dakota Cellular, Inc.,
d/b/a VERIZON WIRELESS,

Plaintiff,

vs.

Steve Kolbeck, Gary Hanson, and Dustin
Johnson, in their official capacities as
the Commissioners of the South Dakota
Public Utilities Commission,

Defendants,

South Dakota Telecommunications Ass'n
and Venture Communications Cooperative,

Intervenors.

Civil Number 04-3014

**VERIZON WIRELESS' MOTION
IN LIMINE**

TO: Defendants Steve Kolbeck, Gary Hanson, and Dustin Johnson, in their official capacities as the Commissioners of the South Dakota Public Utilities Commission and their attorney, Rolayne Ailts Wiest, Assistant Attorney General, South Dakota Public Utilities Commission, 500 East Capitol, Pierre, SD, 57501 and Intervenors South Dakota Telecommunications Ass'n and Venture Communications Cooperative and their attorneys, Darla Pollman Rogers and Margo D. Northrup, Riter, Rogers, Wattier & Brown, LLP, P.O. Box 280, Pierre, SD 57501.

PLEASE TAKE NOTICE Plaintiffs Verizon Wireless (VAW) LLC, CommNet Cellular License Holding, LLC, Missouri Valley Cellular, Inc., Sanborn Cellular, Inc., and Eastern South Dakota Cellular, Inc., d/b/a VERIZON WIRELESS (collectively, "Verizon Wireless") will move, and hereby do move, the Court *in limine* under Fed. R. Civ. P. 7(b)(1) for an order precluding Intervenors' expert witness Larry Thompson from providing testimony that relies on

or relates to interMTA traffic studies that he has failed and refused to provide to Verizon Wireless. Verizon Wireless further seeks an order excluding testimony regarding interMTA traffic studies that are based on the phone number of the originating caller, as the phone number does not necessarily identify the major trading area ("MTA") in which a wireless call is made. This Motion is accompanied by an affidavit of Philip Schenkenberg in Support of Motion in Limine, and a memorandum of law.

Verizon Wireless moves for order as follows:

(1) Precluding witness Larry Thompson from providing testimony that relies on or relates to interMTA traffic studies that he has failed and refused to provide to Verizon Wireless; and

(2) Precluding witness Larry Thompson from providing testimony regarding interMTA traffic studies that are based on the phone number of the originating carrier.

LYNN, JACKSON, SHULTZ & LEBRUN,
P.C.

DATED this 13th day of June, 2007

By: /s/ Craig A. Pfeifle

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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2007, I electronically filed a true and correct copy of **Verizon Wireless' Motion In Limine, Verizon Wireless' Memorandum In Support Of Motion In Limine, Affidavit Of Philip R. Schenkenberg In Support Of Motion In Limine And Proposed Order Granting Plaintiffs' Motion In Limine**, relative to the above-entitled matter, with the United States District Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Ms. Rolayne Ailts Wiest
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Ms. Margo D. Northrup
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Ms. Darla Pollman Rogers
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/s/ Craig A. Pfeifle
Craig A. Pfeifle