

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20CVS010612-590

NANCY WRIGHT; GREG WRIGHT;
and JODY STANSELL, individually
and as members of LORUSSO
VENTURES, LLC d/b/a
CINCH.SKIRT,

Plaintiffs,

v.

KRISTA LORUSSO, individually and
as a member-manager of LORUSSO
VENTURES, LLC d/b/a
CINCH.SKIRT,

Defendant,

v.

LORUSSO VENTURES, LLC d/b/a
CINCH.SKIRT,

Nominal
Defendant.

**ORDER ON
MOTIONS IN LIMINE**

1. Trial in this matter is set to begin on 2 June 2025. Plaintiffs and Defendant Krista LoRusso have filed various motions in limine (“MILs” or “motions”). (See ECF Nos. 248, 252.) The motions are fully briefed, and the Court heard oral argument at a pretrial hearing on 9 May 2025. During the hearing, the Court made oral rulings on most of the motions and now memorializes its decisions.

2. **Legal Standard.** “A motion in limine seeks pretrial determination of the admissibility of evidence to be introduced at trial.” *State v. Britt*, 217 N.C. App. 309, 313 (2011). “The Court’s ruling on motions *in limine* is interlocutory and ‘subject to modification during the course of the trial.’” *InSight Health Corp. v. Marquis*

Diagnostic Imaging of N.C., LLC, 2017 NCBC LEXIS 91, at *6 (N.C. Super. Ct. Oct. 3, 2017) (quoting *Hamilton v. Thomasville Med. Assocs.*, 187 N.C. App. 789, 793 (2007)).

3. **LoRusso's MIL to Exclude Wayne Hutchins.** LoRusso has moved to exclude the testimony of Plaintiffs' expert, Wayne Hutchins, on two grounds: first, that Hutchins's anticipated testimony does not require specialized knowledge and is therefore not truly expert testimony; and second, that Plaintiffs served Hutchins's final report after discovery closed.

4. The first argument is unpersuasive. It appears that Hutchins will testify as to industry standards for accounting and how business expenses should be categorized for tax purposes. These are appropriate subjects for expert testimony. *See Potts v. KEL, LLC*, 2019 NCBC LEXIS 61, at *7 (N.C. Super. Ct. Sept. 27, 2019) ("[T]he standards that apply to tax and accounting professionals likely fall outside the common knowledge and experience of a lay jury.").

5. As to the second argument, it is true that Plaintiffs served a preliminary expert report before the close of discovery and a final report after the close. But the Court concludes in its discretion that exclusion of Hutchins's testimony is not an appropriate remedy for untimely service of the final report (which occurred two years ago). Rather, the Court will allow LoRusso to cure any prejudice by deposing Hutchins before trial with respect to the opinions in his final report. This deposition is limited to two hours.

6. For these reasons, the Court denies LoRusso's motion to exclude Hutchins.

7. **Plaintiffs' MIL to Exclude Disparaging Statements.** Plaintiffs seek to exclude as irrelevant and unfairly prejudicial any testimony concerning statements that Plaintiff Jody Stansell made to third parties in which he referred to LoRusso as a "c**t" or "thunderc**t." The Court disagrees. This evidence is directly relevant to LoRusso's claim for breach of the nondisparagement clause in LoRusso Ventures' operating agreement. (*See* Op. Agrmt. § 9.13(c), ECF No. 259 (barring any member from "mak[ing] any statement . . . that would disrupt, impair, or affect adversely Company, or its employees, Managers, Members, officers, or directors, or place Company or such individuals in any negative light").) Any prejudice that results from admission of this highly material evidence would not be *unfair* prejudice. The Court denies Plaintiffs' request to exclude this evidence under Rules 402 and 403 of the North Carolina Rules of Evidence. *See, e.g., Dellinger Septic Tank Co. v. Sherrill*, 94 N.C. App. 105, 108–09 (1989) (concluding that "relevant" testimony "was not unfairly prejudicial" and that "the trial court did not abuse its discretion in failing to exclude it").

8. **Plaintiffs' MIL to Exclude Allegations of Drug Use.** Plaintiffs seek to exclude evidence or testimony related to allegations of drug use, arguing that the evidence is not relevant and would be unfairly prejudicial. Given the state of the record, the Court cannot make an informed decision and concludes that it would be better to evaluate questions designed to elicit this testimony in the context of the evidence presented at trial. Accordingly, the Court defers its decision as to this request. *See, e.g., Hash v. Hennigan*, 2005 N.C. App. LEXIS 1720, at *4 (N.C. Ct.

App. Aug. 16, 2005) (unpublished) (“[T]he trial judge acted reasonably in deciding to defer ruling until he had a better factual context for his ruling. At the motion *in limine* stage, he could not know whether plaintiffs would open the door regarding the subject of the letter or whether the letter would otherwise become pertinent . . .”).

9. **Unopposed MILs.** All remaining requests in the parties’ motions are moot. The parties have represented that they do not intend to introduce evidence related to these requests.

10. **Conclusion.** In its discretion, the Court **ORDERS** as follows:

- a. LoRusso may depose Wayne Hutchins for up to two hours concerning opinions given in his final report, but her motion to exclude Hutchins’s testimony is otherwise **DENIED**;
- b. Plaintiffs’ motion to exclude evidence or testimony related to Stansell’s allegedly disparaging statements is **DENIED**;
- c. Plaintiffs’ motion to exclude evidence or testimony related to allegations of drug use is **DEFERRED**;
- d. In all other respects, the motions in limine are **DENIED as moot**.

SO ORDERED, this the 16th day of May, 2025.

/s/ Adam M. Conrad
Adam M. Conrad
Special Superior Court Judge
for Complex Business Cases