UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

Avraham Orloff et al. v. Usha Kamaria et al.

Orloff · No. 23-CV-50097 · Decided January 6, 2026

SUMMARY

The court rules on the parties' motions in limine in a dispute arising from the sale and purchase of two Illinois apartment complexes. It bars testimony or argument that defendants had a legal right to access plaintiffs' email account, but permits evidence concerning defendants' beliefs, subsequent rent or property value changes, and certain lay testimony regarding damages. The court grants in part and denies in part plaintiffs' motions and denies defendants' motion.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Western Division
WRITING FOR THE COURT	Iain D. Johnston
JURISDICTION	United States District Court for the Northern District of Illinois
DECIDED	January 6, 2026
DOCKET	23-CV-50097
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving four motions in limine before a scheduled jury trial in an action alleging breach of contract, fraud, fraudulent inducement, fraudulent concealment, and unlawful access to stored communications.
STANDARD OF REVIEW	A motion in limine is appropriate only to exclude evidence that clearly should not be presented because it is clearly inadmissible for any purpose. The party seeking exclusion bears the burden of establishing inadmissibility for any purpose. Evidentiary issues were evaluated under Federal Rules of Evidence 401, 403, 701, and 702.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Avraham Orloff et al. v. Usha Kamaria et al.

TOPICS

motion in limine | evidence | relevance | expert testimony | breach of contract

PRACTICE AREAS

evidence | civil procedure | contracts | real estate | damages | commercial litigation

QUESTIONS PRESENTED

1. Whether defendants could introduce testimony or argument that they had a legal right to access plaintiffs' business email account.
2. Whether defendants could introduce evidence concerning subsequent rent increases or property-value increases as relevant to damages mitigation and the capitalization-rate estimate.
3. Whether testimony suggesting that industry practice permits or excuses inaccurate disclosures should be excluded under Federal Rule of Evidence 403.
4. Whether plaintiffs' lay testimony concerning capitalization-rate damages, future real estate taxes, and roof conditions should be excluded under Federal Rule of Evidence 701.

HOLDINGS

1. Defendants may not introduce testimony or argument asserting that they had a legal right to access plaintiffs' email account, but they may introduce evidence concerning whether they believed they had such a right.
2. The collateral-source rule does not bar evidence of rent increases or property-value increases potentially relevant to the case.
3. Evidence concerning rent increases and property-value changes was not clearly inadmissible and could be admitted because it was relevant to the accuracy of the capitalization-rate estimate and the reasonableness of mitigation efforts.
4. Plaintiffs' motion to exclude testimony suggesting that industry practice permits or excuses inaccurate disclosures was granted under Rule 403; expert testimony presented through nonexperts was also barred.
5. Defendants' motion to exclude plaintiffs' testimony concerning capitalization rates, future real estate taxes, and roof conditions was denied at the pretrial stage, subject to compliance with Rule 701.

KEY QUOTATIONS

> *"A motion in limine has the limited purpose of eliminating evidence "that clearly ought not be presented . . . because [it] clearly would be inadmissable [sic] for any purpose.""* (I)

> *"The party seeking to exclude evidence "has the burden of establishing the evidence is not admissible for any purpose.""* (I)

> *"Reasonableness is a quintessential jury question."* (I.ii)

> *"The witnesses in this case are not testifying as experts."* (II)

FACTUAL BACKGROUND

The action concerns alleged misconduct in a transaction involving the purchase and sale of two Rockford, Illinois apartment complexes. Plaintiffs allege that inaccurate disclosures and a miscalculated capitalization rate caused them to overpay for the properties, and they seek damages including amounts related to rent, property value, real estate taxes, and roof conditions. The evidentiary disputes concerned defendants' access to plaintiffs' business email account, subsequent rent and property-value changes, alleged industry practices concerning disclosures, and lay testimony regarding damages.

PROCEDURAL HISTORY

Plaintiffs filed suit arising from the sale and purchase of the Crestview and Buckingham Square apartment complexes in Rockford, Illinois. After the court previously determined on summary judgment that defendants did not have a legal right to access plaintiffs' business email account, the parties filed motions in limine in preparation for trial. The court granted plaintiffs' motions in part and denied them in part, and denied defendants' motion.

DISPOSITION

other

CASES CITED

- Jonasson v. Lutheran Child & Family Services, 115 F.3d 436, 440 (7th Cir. 1997)
- Mason v. City of Chicago, 631 F. Supp. 2d 1052, 1056 (N.D. Ill. 2009)
- Wills v. Foster, 892 N.E.2d 1018, 1022 (Ill. App. Ct. 2008)
- Nancy's Home of the Stuffed Pizza, Inc. v. Cirrincione, 494 N.E.2d 795, 800 (Ill. App. Ct. 1986)
- United States v. Harra, 985 F.3d 196, 215 (3d Cir. 2021)
