

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Kyle Raleigh v. Donna M. Baribault, et al.

No. 3:22-CV-01069 (VDO) (D. Conn. Apr. 7, 2026) · No. 3:22-CV-01069 (VDO) · Decided April 8, 2026

SUMMARY

The United States District Court for the District of Connecticut ruled on Defendants’ motions in limine, objections to exhibits, and objections to Plaintiff’s witnesses in an action concerning fixtures and items allegedly removed from a foreclosed Revolutionary War-era property. The court granted motions concerning authentication of photographic evidence and precluded specialized expert testimony by a contractor, while denying the remaining motions and overruling most exhibit and witness objections. The court also limited testimony about the parties’ general experience living in antique houses.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Vernon D. Oliver
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	April 8, 2026
DOCKET	3:22-CV-01069 (VDO)
DISPOSITION	other
PROCEDURAL POSTURE	Pretrial ruling on seven defense motions in limine and the parties' objections to proposed exhibits and witnesses in a civil action concerning allegedly removed fixtures and items from foreclosed real property.
STANDARD OF REVIEW	The court applied the Federal Rules of Evidence and Federal Rules of Civil Procedure governing admissibility, authentication, relevance, expert and lay testimony, discovery disclosures, and objections. Motions in limine were treated as discretionary and subject to reconsideration in light of the evidence presented at trial.
PRECEDENTIAL VALUE	unpublished district court memorandum; persuasive only

TOPICS

- motion in limine
- authentication
- expert testimony
- relevance
- evidence

PRACTICE AREAS

evidence

civil procedure

real estate litigation

QUESTIONS PRESENTED

1. Whether a motion in limine was a proper vehicle to decide the merits of Defendants' challenge to Plaintiff's standing and the authority underlying an assignment of claims.
2. Whether a contractor appearing as a lay witness could testify about the cost of restoring a Revolutionary War-era property.
3. Whether Plaintiff's failure to disclose the contractor as an expert required exclusion of specialized expert testimony under Rule 37(c)(1).
4. Whether Plaintiff's photographs required authentication by a witness and could be authenticated solely through metadata.
5. Whether the challenged evidence was irrelevant, substantially more prejudicial than probative, cumulative, or otherwise excludable under Rules 401 and 403.
6. Whether broad, nonspecific, or untimely objections to exhibits were sufficient to preserve those objections.
7. Whether Plaintiff and a witness could testify about generalized experience living in antique houses.

HOLDINGS

1. A motion in limine is not the proper vehicle for obtaining a dispositive merits ruling on standing. The challenge to the assignment was denied without prejudice as procedurally improper and premature because Plaintiff had not indicated that he would introduce the assignment.
2. Rule 702 did not apply to Bielitz's proposed testimony insofar as Plaintiff offered him solely as a lay witness rather than an expert witness.
3. Bielitz could testify as a lay witness about matters within common knowledge, such as the replacement cost of a standard fixture, but could not testify about the specialized costs and intricacies of historically accurate restoration of the Revolutionary War-era home.
4. Plaintiff could use the photographs only after authenticating them through a witness. Metadata alone could not authenticate a photograph, although photographic content and metadata could be considered after authenticity was otherwise established.
5. The court declined to categorically exclude evidence outside the identified period because Defendants had not established that all such evidence was irrelevant or that its probative value was substantially outweighed by Rule 403 concerns.
6. Photographs of fixtures recovered during the litigation were not categorically irrelevant and could be introduced because they could support an inference that Defendants removed the fixtures from the property.
7. Broad objections that did not identify particular exhibits or specific grounds were overruled, and late-filed supplemental objections were not considered absent good cause. Parties retained the ability to raise

appropriate objections during trial.

8. Plaintiff and Means were precluded from testifying about their general experience living in antique houses and knowledge acquired from that experience because the proposed testimony was not probative of an issue in the case.

KEY QUOTATIONS

“A motion in limine is not the proper vehicle for seeking a dispositive ruling on a claim.” (I.A.1)

“As such, Mr. Bielitz may testify as a lay witness regarding matters within the scope of common knowledge, such as the replacement cost of a standard fixture, but he is precluded under Rule 37(c)(1) of the Federal Rules of Civil Procedure from testifying as an expert witness on matters that require specialized knowledge.” (I.A.3)

“For clarity, Plaintiff cannot solely use metadata to authenticate a photograph, but the Court will consider the photographic content and its metadata once its authenticity has been otherwise established.” (I.A.5)

“An objection must “state accurately the ground on which inadmissibility is claimed and state this with a reasonably degree of certainty ... to give the judge an opportunity to correct the error.”” (I.B)

FACTUAL BACKGROUND

The action concerns a Revolutionary War-era property in Canterbury, Connecticut, that Plaintiff Kyle Raleigh and his husband purchased from Wilmington Savings Fund Society in 2019 after Wilmington foreclosed on it. Raleigh alleges that Defendants Donna Baribault and Michael Durvin removed items and fixtures from the property. Raleigh proceeds by assignment of claims originally belonging to Wilmington and sought to present contractor testimony, photographs, and other evidence concerning the property's condition and removed fixtures.

PROCEDURAL HISTORY

Plaintiff Kyle Raleigh brought this action based on claims assigned to him by Wilmington Savings Fund Society after Wilmington foreclosed on the property. Before trial, Defendants filed seven motions in limine and objections to Plaintiff's exhibits and witnesses. The court granted in part and denied in part the motions and objections, without entering a final merits judgment.

DISPOSITION

other

CASES CITED

- Williams v. Rushmore Loan Mgt. Services LLC, No. 15-CV-673 (RNC), 2017 WL 822793, at *1 (D. Conn. Mar. 2, 2017)
- U.S. v. Barrett, 750 Fed. Appx. 19, 24 (2d Cir. 2018)
- Grabin v. Marymount Manhattan College, 659 Fed. Appx. 7, 9 (2d Cir. 2016)

- 405 Condo Associates LLC v. Greenwich Ins. Co., No. 11-CV-9662, 2012 WL 6700225, at *6 (S.D.N.Y. Dec. 26, 2012)
- Zerega Ave. Realty Corp. v. Hornbeck Offshore Transp., LLC, 571 F.3d 206, 214 (2d Cir. 2009)
- CA, Inc. v. Simple.com, Inc., 780 F. Supp. 2d 196, 224 (E.D.N.Y. 2011)
- Gogol v. City of New York, No. 15 CIV. 5703, 2018 WL 4616047, at *1 (S.D.N.Y. Sept. 12, 2018)
- Luce v. United States, 469 U.S. 38, 41 (1984)
- U.S. v. Kandic, No. 17-CR-449, 2022 WL 1266431, at *6 (E.D.N.Y. Apr. 28, 2022)
- U.S. v. Gramins, 939 F.3d 429, 450 (2d Cir. 2019)
- Xiamen ITG Group Corp., Ltd. v. Peace Bird Trading Corp., No. 19-CV-6524, 2025 WL 3460317, at *3 (E.D.N.Y. Sept. 12, 2025)
- U.S. v. Fell, 531 F.3d 197, 229 (2d Cir. 2008)
- United States v. Indiviglio, 352 F.2d 276, 279-80 (2d Cir. 1965)
- Nnodimele v. Derienzo, No. 13-CV-3461, 2016 WL 3561708, at *16 (E.D.N.Y. June 27, 2016)

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