UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEOFF WINKLER, as court-appointed Receiver for J&J CONSULTING SERVICES INC., ET AL.,

Plaintiff,

v.

Warren Rosegreen
Defendant. et. al

CASE NO.: 2:22-CV-00612-CDS-EJY

Motion in Limine to Exclude Prejudicial Labels, Collective Liability Theories, Legal Conclusions, And Improper Expert Opinions

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COUNSEL/PARTIES OF RECORD
JUN 25 2026
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

Defendant respectfully move in limine for an Order excluding certain categories of evidence, testimony, opinions, labels, arguments, and characterizations that are irrelevant, unduly prejudicial, misleading, cumulative, or otherwise inadmissible under Federal Rules of Evidence 401, 402, 403, 701, 702, and applicable law.

This case concerns individualized claims against individual Defendant.

Plaintiff may not substitute generalized allegations concerning an alleged enterprise for proof of liability as to a particular Defendant.

Nor may Plaintiff rely upon inflammatory labels, collective liability theories, legal conclusions, or expert characterizations that risk confusing the issues and improperly prejudicing the factfinder.

Accordingly, Defendants request the following limitations.

I. Exclusion Of "Ponzi Scheme" Labels Unless Directly Relevant to the Particular Defendant

Plaintiff should be prohibited from repeatedly characterizing Defendants as participants in a "Ponzi scheme" absent evidence specifically connecting the individual Defendant to knowledge, participation, or misconduct.

The existence of an alleged fraudulent enterprise does not establish that a particular Defendant possessed knowledge of wrongdoing.

The danger of unfair prejudice substantially outweighs any probative value where the label invites guilt by association rather than individualized proof.

See Fed. R. Evid. 403.

II. Exclusion of Collective Liability Arguments

Plaintiff should be prohibited from arguing or implying that:

1. All recipients of funds are liable;
2. All investors are similarly situated;
3. All transfers are recoverable;
4. Liability may be inferred merely from receipt of funds; or
5. The existence of a scheme establishes liability as to all defendants.

Each Defendant is entitled to individualized consideration of the evidence and defenses applicable to that Defendant.

III. Exclusion of "Net Winner" Labels

Plaintiff and the Receiver should be prohibited from referring to any Defendant as a "net winner" unless the underlying calculations, assumptions, methodology, offsets, credits, settlements, prior recoveries, and supporting records have first been admitted into evidence.

The phrase "net winner" is not a factual finding.

It is a conclusion derived from disputed accounting assumptions.

Its use risks unfair prejudice and may improperly suggest liability before the underlying facts have been established.

IV. Exclusion of Legal Conclusions

Neither Plaintiff, The Receiver, Nor Any expert witness should be permitted to testify that:

1. A transfer was fraudulent;
2. A transfer is recoverable;
3. A Defendant is liable;
4. A Defendant lacks a defense;
5. Plaintiff possesses standing;
6. Plaintiff is entitled to relief; or
7. Any other ultimate legal conclusion reserved for the Court.

Such testimony improperly invades the province of the Court and factfinder.

V. Exclusion of Opinions Regarding Good Faith, Knowledge, Or Intent

Plaintiff's witnesses should be prohibited from offering opinions regarding:

1. A Defendant's state of mind;
2. Good faith;
3. Knowledge;
4. Intent;
5. Reliance; or
6. Participation in alleged wrongdoing.

Absent direct admissible evidence, such testimony constitutes speculation and invades the role of the factfinder.

VI. Exclusion of Criminal Allegations Involving Third Parties

Plaintiff should be prohibited from introducing criminal allegations, guilty pleas, convictions, indictments, investigations, or accusations involving third parties unless Plaintiff first demonstrates direct relevance to the individual Defendant against whom the evidence is offered.

The danger of guilt by association substantially outweighs any probative value.

See Fed. R. Evid. 403.

VII. Exclusion of Receiver Opinions That Exceed Accounting Analysis

The Receiver may explain calculations and accounting methodologies if otherwise admissible.

The Receiver should not be permitted to testify concerning:

1. Liability;
2. Recoverability;
3. Fraudulent intent;
4. Good-faith defenses;
5. Standing;
6. Unjust enrichment;
7. Legal conclusions; or
8. Ultimate issues reserved for the Court.

VIII. Conclusion

Defendants respectfully request that the Court enter an Order prohibiting Plaintiff, the Receiver, experts, and witnesses from presenting the categories of evidence, testimony, labels, opinions, and arguments identified herein and grant such further relief as justice requires.

DATED: June 21, 2026

Respectfully submitted,

By: Warren Rosegreen

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In Propria Persona, Authorized Agent

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ORDER ON MOTION IN LIMINE TO EXCLUDE PREJUDICIAL LABELS, COLLECTIVE LIABILITY THEORIES, LEGAL CONCLUSIONS, AND IMPROPER EXPERT OPINIONS

This matter comes before the Court on Defendant's Motion in Limine to exclude certain evidence, testimony, labels, arguments, and characterizations identified as irrelevant, unduly prejudicial, misleading, or otherwise inadmissible pursuant to Federal Rules of Evidence 401, 402, 403, 701, 702, and applicable law.

The Court, having reviewed the Motion, [any opposition], and the applicable legal authorities, hereby ORDERS as follows:

1. Exclusion of "Ponzi Scheme" Labels

Plaintiff is prohibited from characterizing Defendant as a participant in a "Ponzi scheme" absent specific evidence connecting Defendant to misconduct, knowledge, or participation in such a scheme. The Court finds that the probative value of this label is substantially outweighed by the danger of unfair prejudice.

2. Exclusion of Collective Liability Arguments

Plaintiff is prohibited from making arguments or implying that:

- All recipients of funds are liable;
- All investors are similarly situated;
- All transfers are recoverable;
- Liability may be inferred merely from the receipt of funds; or
- The existence of a scheme automatically establishes liability for Defendant.

Each Defendant is entitled to individualized consideration of the evidence.

3. Exclusion of "Net Winner" Labels

Plaintiff may not refer to Defendant as a "net winner" unless the underlying calculations, methods, assumptions, and supporting evidence are admitted into evidence in advance.

4. Exclusion of Legal Conclusions

Plaintiff, its witnesses, and any experts are prohibited from testifying or asserting that:

- A transfer was fraudulent;
- A transfer is recoverable;
- Defendant is liable;
- Defendant lacks a defense;
- Plaintiff possesses standing;
- Plaintiff is entitled to relief; or
- Any other ultimate legal conclusion reserved for the Court.

Such conclusions invade the exclusive role of the Court and factfinder.

5. Exclusion of Opinions About Good Faith, Knowledge, or Intent

Plaintiff's witnesses are prohibited from offering opinions regarding Defendant's state of mind, good faith, knowledge, intent, reliance, or participation in alleged wrongdoing unless there is direct, admissible evidence supporting such testimony.

6. Exclusion of Criminal Allegations Involving Third Parties

Plaintiff is prohibited from introducing evidence of criminal charges, guilty pleas, convictions, or investigations involving third parties unless direct relevance to Defendant is first demonstrated and ruled admissible by the Court.

7. Exclusion of Receiver Opinions That Exceed Accounting Analysis

The Receiver may testify regarding calculations and accounting methodologies if admissible; however, the Receiver may not testify to conclusions concerning liability, fraudulent intent, recoverability, standing, unjust enrichment, or any ultimate issue reserved for the Court.

8. Conclusion

The Motion in Limine is GRANTED as set forth above. Plaintiff, its agents, Receiver, witnesses, and experts are precluded from presenting the excluded categories of evidence, testimony, and arguments identified herein during trial.

IT IS SO ORDERED.

DATED: ______________

By: ___________________________________
UNITED STATES DISTRICT JUDGE