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**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

**IN THE MATTER OF THE LICENSES
OF:**

**NUTORQUE ENGINE CORPORATION,
AMOS R. MANSFIELD,**

Respondents.

MOTION IN LIMINE

**Docket No. SD-10-0052
Docket No. SD-10-0053**

The Utah Division of Securities (Division), by and through Assistant Attorney General, Jeffrey Buckner, and pursuant to UTAH ADMIN. CODE R151-46b-9(16)(b), hereby moves for an order, sanctioning Respondents as a consequence of their failure to produce documents and provide a witness and exhibit list by the due dates. The Division asks (a) that the allegations in the Division's Order to Show Cause be established as fact; (b) prohibiting Respondents from supporting or opposing designated claims, calling witnesses and introducing evidence; or (c) rendering default at the hearing set for March 17, 2011.

The parties were to exchange discovery by February 17, 2011, and produce a witness and

exhibit lists by March 3, 2011. *See* Amended Notice of Hearing dated January 24, 2011.

Penalties attach for non compliance with a pre-trial order regarding production.

(b) Discovery Sanctions

(ii) If a party, an officer, director, or managing agent of a party or a person designated under Subsection R151-46b-9(13)(b)(iv) to testify on behalf of a party fails to obey an order or provide or permit discovery, including an order made under Subsection R151-46b-9(16)(a), the presiding officer may make such orders in regard to the failure as are just, including:

- (A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
- (B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;
- (C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

UTAH ADMIN. CODE R151-46b-9(16)(b).

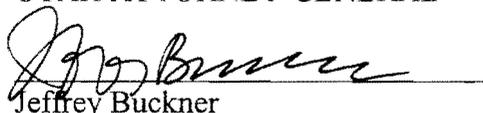
The Division produced its documents and provided its witness and exhibit list by the due dates. Respondents did not. The Division cannot adequately prepare for trial without knowing what documents Respondents have, what witnesses they intend to call, and what documents they intend to introduce.

For non compliance with the Rule and the Notice, a sanction should be imposed.

The Division further requests a ruling before the hearing.

Respectfully submitted this March 8, 2011.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL

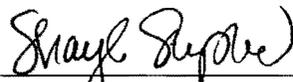

Jeffrey Buckner
Assistant Attorney General

CERTIFICATE OF SERVICE

I, Shayla Shepherd, hereby certify that I have this day served a copy of the foregoing **Motion in Limine** upon NuTorque Engine Corporation and Amos R. Mansfield by mailing a copy, postage prepaid, to

Attorney Joseph Hepworth
Fillmore & Spencer, LLC
3301 N. University Avenue
Provo, Utah 84604

Dated at Salt Lake City, Utah this 8 day of March 2011.



Shayla Shepherd