

IN THE COURT OF APPEALS OF IOWA

No. 8-923 / 08-0193
Filed December 17, 2008

TRACE HESTON,
Plaintiff-Appellant,

vs.

BRIAN KLAFFKE, VERKANDT TRUCKING, LTD.,
Defendants-Appellees.

Appeal from the Iowa District Court for Polk County, Artis Reis, Judge.

Trace Heston appeals from a verdict in favor of the defendants on her negligence claim. **AFFIRMED.**

Donald Beattie and Nile Hicks of Beattie Law Firm, P.C., Des Moines, for appellant.

David L. Phipps of Whitfield & Eddy, P.L.C., Des Moines, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

EISENHAUER, J.

Trace Heston filed a petition alleging negligence against Brian Klaffke and his employer, Verkandt Trucking, Ltd., following an automobile collision in which the truck Klaffke was driving made contact with Heston's vehicle. The defendants admitted fault, but denied Heston's injuries were causally related to the incident. Following trial, the jury returned a verdict for the defendants, finding the traffic accident was not the proximate cause of any damage to Heston.

On appeal, Heston contends the court erred in denying her motions in limine with respect to what Heston characterizes as "irrelevant, high[ly] prejudicial testimony regarding issues surrounding [her] psychological condition and treatment." Heston's three motions in limine were extensive and sought to exclude evidence on approximately fifty issues. She further contends the district court erred in denying her motion for new trial because the evidence should have been excluded.

Chief among the problems with Heston's arguments is her failure to preserve error. With a limited exception, the denial of a motion in limine cannot constitute reversible error. *Berg v. Des Moines General Hosp. Co.*, 456 N.W.2d 173, 177 (Iowa 1990). To preserve error after a motion in limine has been denied, it is necessary to make a proper objection at the time the evidence is offered. *Id.* at 177-78. Heston made no such objection.

An exception to the error-preservation rule exists where a ruling on a motion in limine amounts to an unequivocal holding concerning the issue raised. *State v. Harlow*, 325 N.W.2d 90, 91 (Iowa 1982). This case has no such

unequivocal holding. In fact, the district court informed Heston's counsel several times that its rulings on the motions in limine were not dispositive on the issue of admissibility, and any objections should be lodged at trial. This court declines Heston's invitation to adopt a new exception to the error preservation rule. Accordingly, we affirm.

AFFIRMED.