

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

ANTHONY ALLEN JORDAN,

Plaintiff,

v.

Case Number: 2017-CA-001913

GAUDENCIA HERNANDEZ, TRINITY
SERVICES GROUP, INC. a Florida Profit
Corporation, and RYDER TRUCK RENTAL
LT, a Florida Trust d/b/a RYDER TRUCK
RENTAL, INC., a Florida Profit Corporation,

Defendants.

PLAINTIFF'S MOTION IN LIMINE
REGARDING ON ASSAULTS ON PLAINTIFF
WHICH OCCURED OVER TWENTY YEARS AGO

Plaintiff, ANTHONY ALLEN JORDAN, moves this Honorable Court to enter an Order in Limine that prohibits the admission into evidence, elicitation of testimony, expert opinion, questioning, argument, comments, references, or discussion related to two assaults on Plaintiff that occurred in Syracuse, New York over twenty years ago. In support thereof, Plaintiff states as follows:

1. This is a personal injury matter arising out of damages sustained by Plaintiff in a motor vehicle crash, where GAUDENCIA HERNANDEZ, while acting in the course and scope of her employment with TRINITY SERVICES GROUP, INC., rear-ended Plaintiff.

2. "The purpose of a motion in limine is to exclude irrelevant and immaterial matters." Devoe v. Western Auto Supply Co., 537 So.2d 188, 189 (Fla. 2d DCA 1989). Moreover, evidence should be excluded if its probative value is outweighed by the danger of unfair prejudice. See Fla. Stat. § 90.403.

3. In deposition and in his medical records, Plaintiff indicated that he was the victim of two assaults; the first of which he was stabbed and the second his jaw was broken.

4. Clearly any evidence of these assaults are for the improper purpose of establishing that Plaintiff had a rough life some twenty plus years prior to the crash, which of course impermissible character evidence.

5. Character evidence offered solely to prove the inherently bad nature of the plaintiff is improper and should not be permitted. Smith v. Hooligans Pub & Oyster Bar, Ltd., 753 So.2d 596, 599 (Fla. 3d DCA 2000); see also Fla. Stat. § 90.404.

6. These assaults on Plaintiff are not probative and are clearly to show Plaintiff's bad character. Accordingly, under Fla. Stat. § 90.403, the same should not be permitted.

WHEREFORE Plaintiff ANTHONY ALLEN JORDAN requests this Honorable Court enter an Order in Limine prohibiting any referencing to, elicitation in testimony, or entry into evidence by Defendants GAUDENCIA HERNANDEZ or TRINITY SERVICES GROUP, INC. that was assaulted in New York and sustained a broken jaw and stab wound.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to: **Michael E. Reed, Esq., Christopher A. Cazin, Esq.,** tpacrtpleadings@wickersmith.com; Wicker Smith O'Hara McCoy & Ford, P.A. (Counsel for the Defendants); **Lisa Ann Kalo, Esq.,** lkalo@kvpalaw.com, (Co-Counsel for Plaintiff); and **Lisha Bowen, Esq.,** lisha@bowentrials.com; Lisha Bowen, P.A., (Co-Counsel for Plaintiff), on this 12th day of **September 2018.**

/s/Elizabeth C. Munro
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