

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 PLAINTIFF PARTYING OR CLUBBING IN TAMPA

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, discussion, or implication that Plaintiff frequented the Tampa party scene or went 'clubbing' years prior to the crash. 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. Several witnesses indicated that more than 15 years *prior* to the subject crash Plaintiff would frequent Tampa clubs and bars. Such evidence is not probative of a single fact at issue and the same would only be to display impermissible character evidence.

4. 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 Plaintiff frequented clubs or bars prior to the accident.

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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