

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

HOWARD FRANK,

Plaintiff,

v.

Case No.: 2:18-cv-162-FtM-38NPM

ROCKHILL INSURANCE  
COMPANY,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Plaintiff's Five Motions in Limine (Docs. [99](#), [100](#), [101](#), [102](#), [103](#)) filed on August 9, 2019. Defendant filed an Omnibus Response (Doc. 112) on August 23, 2019. For the reasons below, the Motions are denied.

This is an insurance coverage dispute. In January 2017, Plaintiff purchased a homeowner's insurance policy from Rockhill Insurance Company for his home located in Marco Island, Florida. Eight months later, in September 2017, Hurricane Irma hit Southwest Florida and damaged Frank's home. The parties disagree as to the amount of damage the home sustained.

A motion in limine presents a trial court with pretrial issues regarding admissibility of evidence that a party is likely to present at trial. See [Stewart v. Hooters of Am., Inc.](#),

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No. 8:04-cv-40-T-17-MAP, 2007 WL 1752843, at \*1 (M.D. Fla. June 18, 2007). "The real purpose of [such a motion] is to give the trial judge notice of the movant's position so as to avoid the introduction of damaging evidence which may irretrievably [a]ffect the fairness of the trial." *Id.* The court excludes evidence on a motion in limine only if the evidence is clearly inadmissible for any purpose. See *id.* (citing *Luce v. United States*, 469 U.S. 38, 41 (1984)). Denial of a motion in limine does not ensure evidence contemplated by the motion will be admitted at trial. Instead, denial means the court cannot decide to exclude the evidence in question outside the trial context. See *id.*


Plaintiff's five Motions in Limine generally make boilerplate arguments to exclude categories of evidence at trial with very little specifics or connections to the facts and circumstances of this case. For example, Plaintiff moves for an order precluding Defendant from introducing hearsay or irrelevant evidence. (Docs. 102, 103). The Court finds that the Motions cannot be properly decided on an in limine basis, but that objections may be addressed at trial if and when such potentially offending evidence is offered.

Accordingly, it is now

**ORDERED:**

Plaintiff's Five Motions in Limine (Docs. 99, 100, 101, 102, 103) are **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida this 4th day of September, 2019.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record