

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

PAOLA CANAS, LINA POSADA,
JESSICA BURCIAGA, JAIME
EDMONDSON, and ROSIE JONES,

Plaintiffs,

v.

Case No. 3:16-cv-393-J-32JRK

FLASH DANCERS, INC. and
MICHAEL TOMKOVICH,

Defendants.

ORDER

This case is before the Court on Plaintiffs' Motion for Partial Summary Judgment, (Doc. 40), Plaintiffs' Daubert Motion to Exclude the Opinion and Testimony of Defendants' Experts Darren Franclemont and Mark Zablow, (Doc. 39), and Consolidated Defendants' Motion to Exclude the Reports of Plaintiffs' Expert Stephen Chamberlin and Martin Buncher, (Doc. 41). The parties responded to each motion. (Docs. 43; 45; 46). On September 19, 2018, the Court held a hearing, the record of which is incorporated herein.

For the reasons stated on the record, it is hereby

ORDERED:

1. Plaintiffs' Motion for Partial Summary Judgment (Doc. 40) is **DENIED**.

2. Plaintiffs' Daubert Motion to Exclude the Opinion and Testimony of Defendants' Experts Darren Franclemont and Mark Zablow, (Doc. 39), is **DENIED IN PART and taken under advisement in part**. Zablow is permitted to testify as an expert. If Defendants seek to have Franclemont testify, he will be required to proffer his testimony outside the presence of the jury and the Court will make a decision concerning his ability to testify at that time.

3. Consolidated Defendants' Motion to Exclude the Reports of Plaintiffs' Expert Stephen Chamberlin and Martin Buncher, (Doc. 41), is **DENIED**.

4. At Plaintiffs' request and with Defendants' consent, Count V of the Second Amended and Consolidated Complaint, (Doc. 30), alleging violations of Florida's Deceptive and Unfair Trade Practices Act, § 501.204, Fla. Stat. is **DISMISSED**.

5. At Plaintiffs' request and with Defendants' consent, Count VI of the Second Amended and Consolidated Complaint, (Doc. 30), alleging Civil Theft in violation of §§ 812.014 and 772.11, Fla. Stat. is **DISMISSED**.

6. At the hearing, Plaintiffs disclaimed any attempt to seek punitive damages on any count.

7. This case is set to proceed to trial on Counts I–IV, and VII of the Second Amended and Consolidated Complaint, (Doc. 30). The trial schedule and coordinating instructions to be issued via a separate order.

DONE AND ORDERED in Jacksonville, Florida this 19th day of September, 2018.



TIMOTHY J. CORRIGAN
United States District Judge

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Copies to:

Counsel of record