

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

MAZEN HANNA, OLYMPUS  
INSURANCE COMPANY and  
PROGRESSIVE AMERICAN  
INSURANCE COMPANY,

Plaintiffs,

v.

Case No: 8:13-cv-3225-T-30MAP

WARD MANUFACTURING, INC.,

Defendant.

---

**ORDER**

THIS CAUSE is before the Court on Defendant's five Motions in Limine (Dkts. 32, 34, 36, 38, and 40) Plaintiffs' Responses in Opposition (Dkts. 46, 47, 48, 49, and 50). The Court has carefully reviewed the filings and their supporting evidence and the applicable. The Motions in Limine will granted and denied as specified below:

1. Request to exclude evidence of or reference to other accidents, claims, or lawsuits involving Defendant. (Dkt. 32).

DENIED; however, no evidence of the email concerning competitor Omega Flex's product shall be introduced or mentioned without first receiving permission from the Court. Preliminarily, this evidence appears to be irrelevant and more prejudicial than probative.

2. Request to exclude, as inadmissible hearsay, an email exchange between Plaintiff's expert, Mark Goodson, and engineer Bob Torbin. (Dkt. 34).

GRANTED; the email shall not be mentioned without prior permission from the Court.

3. Request to exclude evidence of the bonding and grounding instructions contained in Ward's Design & Installation Guide and in its Technical Bulletin #WF2008-1 and, further, any expert opinion concerning these instructions. (Dkt. 36).

DENIED; the installation instructions in effect at the time of installation are admissible.

4. Request to exclude any evidence of subsequent remedial measures. (Dkt. 38).


GRANTED; post-accident (i.e. August 20, 2011) changes to the product shall not be mentioned without first obtaining permission from the Court.

5. Request to exclude the expert testimony of Dr. Thomas Eager. (Dkt. 40).

DENIED.

It is therefore **ORDERED** and **ADJUDGED** that Defendants' Motions in Limine (Dkts. 32, 34, 36, 38, and 40) are granted and denied as specified herein.

**DONE** and **ORDERED** in Tampa, Florida, this 24th day of March, 2016.

  
\_\_\_\_\_  
JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel/Parties of Record