

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JENNIFER BARDRAM,

Plaintiff,

v.

Case No: 8:22-CV-00873-MSS-AEP

OAK HILL HEALTH AND
REHABILITATION, LLC,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion in Limine to Bar Introduction of Nursing On-Call Sheet, (Dkt. 37), and Defendant's response in opposition thereto. (Dkt. 41) Upon consideration of the relevant filings, case law, and being otherwise fully advised, the Court hereby **GRANTS** Plaintiff's Motion **WITHOUT PREJUDICE**.

Although the Nursing On-Call Sheet, if authentic, may be relevant to Defendant's rebuttal of Plaintiff's claim that she was entitled to \$50 per day she was on-call, it would appear Defendant did not produce this document according to its discovery obligations. Defendant's explanation that no discovery request sought the relevant document ignores Parties' affirmative obligation to produce "a copy . . . of all documents . . . the disclosing party has in its possession, custody, or control and may

use to support its claims or defenses, unless the use would be solely for impeachment[.]” Fed. R. Civ. P. 26(a)(1)(A)(ii); (Dkt. 17 at ¶ 8) Moreover, the document is unsigned, and Defendant has produced nothing to indicate that Defendant’s employees used the document at the time Defendant employed Plaintiff.

For these reasons, it is not plain on the face of the document how Defendant will lay a foundation for its admission as trial. If Defendant can lay a foundation for its authenticity and relevance at trial and can provide a basis for its failure to disclose the document during discovery, the Court will revisit its decision.

Accordingly, the Court **ORDERS** that Plaintiff’s Motion in Limine to Bar Introduction of Nursing On-Call Sheet, (Dkt. 37), is **GRANTED WIHTOUT PREJUDICE**.

DONE and ORDERED, in Tampa, Florida this 6th day of February 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Party