

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

CHARLES R HINSON,

Plaintiff,

v.

Case No. 3:13cv394-MCR-EMT

**TITAN INSURANCE COMPANY and
TITAN INDEMNITY COMPANY,**

Defendants.

ORDER

Pending before the Court is Plaintiffs' Motion for Reconsideration of Order on Defendants' Amended Third Motion in Limine, ECF No. 168. As with any pretrial order, the Court retains broad discretion to reconsider the ruling at any time throughout the trial. *See, e.g., United States v. Shelley*, 405 F.3d 1195, 1208 (11th Cir.2005); *Harrison v. State Farm Fire & Cas. Co.*, 212cv205FTM38UAM, 2013 WL 12158377, at *1 (M.D. Fla. Dec. 11, 2013) (citing cases).

In ruling on Defendants' Third Motion in Limine, the Court relied on cases stating that an adjuster's knowledge of the legal bad faith standard does not equate to actually acting in good faith and that it is the Court's duty to instruct the jury on the standard for bad faith. ECF No. 163. While the Court agrees with those

Case No.: 3:13cv394-MCR-EMT

statements, generally, the principles underlying them do not necessarily require exclusion of all evidence of the adjusters' knowledge of the bad faith standard. The Court finds that the adjusters' knowledge and understanding of the bad faith law as it relates to their duties is relevant and admissible.

Accordingly, Plaintiffs' Motion for Reconsideration of Order on Defendants' Amended Third Motion in Limine, ECF No. 168, is **GRANTED in part** without prejudice to Defendants' right to bring objections in context at trial. The Court will permit adjusters to testify as to their *understanding* of Florida bad faith law based on their experience and how that understanding informs or impacts their duties. However, the adjusters will not be permitted to say what the law is. The Court will caution the jury that it is the Court's duty alone to instruct them on the law.

DONE AND ORDERED this 6th day of March, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE