

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

**JOSHUA S. FRIEBEL and
ELIZABETH F. FRIEBEL,**

Plaintiffs,

vs.

CASE NO. 5:10cv120/RS-CJK

**PARADISE SHORES OF BAY
COUNTY, LLC, et al.,**

Defendants.

ORDER

Before me are the parties' motions in limine (Doc. 274, 275, 276, 277, 290, 291, and 305).

IT IS ORDERED:

1. Defendant Blackerby's first motion in limine (Doc. 274) is **granted in part**. The prior testimony of any person who is not a party in this case is not admissible, except possibly in the case of impeachment. The admissibility of the prior testimony of any person who is a party to this case will be determined on a case-by case basis.
2. Defendant Blackerby's second motion in limine (Doc. 275) is **granted in part**. The pleadings from the previous case shall be admissible

against Defendant Paradise Shores only. As to the pleading signed by Defendant Blackerby, its admissibility for impeachment will be determined if and when it becomes necessary.

3. Defendant Blackerby's third motion in limine (Doc. 276) is **granted in part**. Expert reports of witnesses who were not previously identified as experts will not be admitted. However, since the reports were not specifically identified, a determination of admissibility will be made on a case-by-case basis at trial.
4. Defendant Blackerby's fourth motion in limine (Doc. 277) is **denied**. Because the "demand letters" in question have not been specifically identified, I decline to rule in advance on their admissibility.
5. Defendant Blackerby's fifth motion in limine (Doc. 290) is **denied**. The Rules of Evidence will apply in this case; I need not rule in limine on such matters. The admissibility of any settlement agreements will be determined on a case-by-case basis.
6. Plaintiffs motion in limine (Doc. 291) is **denied**. Because none of Brewer's testimony is before me, I cannot make a ruling on its admissibility.
7. Defendant Blackerby's sixth motion in limine (Doc. 305) is **denied**.

ORDERED on June 17, 2011.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE