

11-61154.og

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-61154 CIV MORENO/BROWN

THE SEA EDGE, INC.,

Plaintiff,

vs.

QBE INSURANCE CORPORATION,

Defendant.  

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**ORDER RE: MOTION IN LIMINE**  
**RE: PLAINTIFF'S EXPERT JEFFREY DOBBINS**

**This matter** is before this Court on Defendant's Motion in Limine to Preclude Causation Opinions . . . (D.E. 28). The Court has considered the motion, the response and all pertinent materials in the file. The Court notes that there is no reply.

Initially, the Court finds quite curious (to be kind), defendant's purported attempt to comply with local Rule 7.1(a)(3). Defense counsel states that he "conferred with Plaintiff's counsel . . . but Plaintiff's counsel has been unresponsive." (Mot. p. 13). At the outset, one has to wonder how someone can "confer" with an unresponsive person?

Even more interesting is plaintiff's response to the motion indicating that "[c]ounsel . . . did not have an opportunity to view this motion until it was filed." With rare exception, opposing parties do not see motions before they are filed . . . hence the reason for proper and meaningful compliance with the aforementioned local rule.

If only it ended there. Defendant's motion seeks "to preclude causation opinions of Plaintiff's expert." The response states: "Now that it [the motion] has been reviewed, Sea Edge has

no objection to limiting Mr. Dobbins' testimony related only to the causation of the damage observed." (Resp. p. 1). That's very nice of plaintiff - but that appears to be exactly what the motion seeks to preclude! Nothing is offered to refute defendant's well-supported argument that this witness is not qualified to discuss causation at all.

Therefore, and the Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that said motion be and the same is hereby **GRANTED**. Mr. Dobbins may testify as to the damage he observed, but not the cause of same.

**DONE AND ORDERED** this 27th day of January, 2012, at Miami, Florida.

  
STEPHEN T. BROWN  
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Honorable Federico A. Moreno  
counsel of record