

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KENNETH SHAVE,

Plaintiff,

v.

Case No.: 2:23-cv-949-SPC-NPM

SOUTHERN-OWNERS  
INSURANCE COMPANY,

Defendant.

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**OPINION AND ORDER**

Before the Court is Defendant Southern-Owners Insurance Company's Unopposed Omnibus Motion in Limine. (Doc. 25). A motion in limine is a "motion, whether made before or during trial, to exclude anticipated prejudicial evidence before the evidence is actually offered." *Luce v. United States*, 469 U.S. 38, 40 n.2 (1984). These motions "are generally disfavored." *Acevedo v. NCL (Bah.) Ltd.*, 317 F. Supp. 3d 1188, 1192 (S.D. Fla. 2017). "Evidence is excluded upon a motion in limine only if the evidence is clearly inadmissible for any purpose." *Id.* (cleaned up).

Plaintiff Kenneth Shave alleges he suffered injuries in a motor vehicle accident in November 2021 and now seeks uninsured motorist benefits from Defendant. (Doc. 9). This case is set for trial in June 2025. (Doc. 20).

Defendant moves to exclude the following evidence and argument at trial:

- reference to, or documents evidencing, settlement negotiations or demands between the parties including, but not limited to, any Proposals for Settlement/Offers of Judgment or matters involved at mediation;
- discussion of the applicable law and its meaning during voir dire and opening statements;
- reference to Plaintiff's financial resources or need for financial compensation;
- reference to Defendant's superior financial resources vis-a-vis Plaintiff;
- impermissible "golden rule" arguments in which Plaintiff and/or his counsel exhorts the jury to place itself in a party's shoes with respect to damages;
- statements to the jury regarding "teaching the defendant a lesson" or sending a message to the community;
- reference to other lawsuits that have been brought against Defendant; and

- attempts to bolster the credibility or qualification of one or more of Plaintiff's expert witnesses by eliciting testimony regarding the credibility or credentials of such witnesses or the sufficiency of the opinions offered by such witnesses.

Plaintiff does not object to the motion. (Doc. 25 at 7). As the parties agree that these issues should not be raised or argued before a jury, the Court grants the motion as unopposed.

Accordingly, it is now

**ORDERED:**

Defendant's Unopposed Omnibus Motion in Limine (Doc. 25) is **GRANTED as unopposed.**

**DONE and ORDERED** in Fort Myers, Florida on November 21, 2024.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record