

2003 WL 25686836

Only the Westlaw citation is currently available.

United States District Court, M.D. Florida,
Tampa Division.

David ROBINSON, Plaintiff,

v.

LINDE LIFT TRUCK, Defendant.

No. 8:01-cv-281-T-23MAP.

|

June 12, 2003.

Named Expert: Farhad Booeshaghi

Attorneys and Law Firms

[Richard C. Alvarez](#), Yerrid Law Firm, Tampa, FL, for Plaintiff.

[Kenn W. Goff](#), Herzfeld & Rubin, [Myron Shapiro](#), Rumberger, Kirk & Caldwell P.A., Miami, FL, for Defendant.

ORDER

[STEVEN D. MERRYDAY](#), District Judge.

*1 The defendant moves *in limine* to exclude (1) the injury-related opinions of Farhad Booeshaghi (Doc. 101);

(2) evidence of post-manufacture designs of “reversing buttons/control handles” (Doc. 112); (3) the undisclosed medical opinions on causation of the plaintiffs treating physicians (Doc. 114); (4) the undisclosed opinions of Farhad Booeshaghi concerning the thumb lever of the BWS-40 (Doc. 123); and (5) the product design opinions of Farhad Booeshaghi (Doc. 124) (collectively, the “defendant’s motions *in limine*”). The plaintiff moves to strike (Doc. 103-1) or otherwise limit (Doc. 103-2) the testimony of the defendant’s expert witnesses.

The exclusion of evidence under the Federal Rules of Evidence typically occurs at trial, so that pertinent determinations occur in the context of the actual (rather than anticipated) proceedings. *See, e.g., Roberts v. Charter Nat’l Life Ins. Co.*, 105 F.R.D. 492 (S.D.Fla.1985). Accordingly, the defendant’s motions *in limine* (Docs. 101, 112, 114, 123 & 124) and the plaintiffs motion to strike (Doc. 103-1) or otherwise limit (Doc. 103-2) the testimony of the defendant’s expert witnesses are **DENIED WITHOUT PREJUDICE**. The parties may reassert the arguments contained in these motions at the appropriate stage of trial.

ORDERED.

All Citations

Not Reported in F.Supp.2d, 2003 WL 25686836