

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

JOHN R. RICONDA

Plaintiff,

v.

LIBERTY INSURANCE UNDERWRITERS,  
INC.,

Defendants.

**Index No.:** 3655/2012

Hon. Jerry Garguilo

**[PROPOSED] ORDER ON NOTICE**

The Court, having reviewed the motions *in limine* filed by the parties and related pretrial submissions, and following oral argument on March 14, 2018, it is hereby:

ORDERED that Liberty's motion *in limine* for an order striking Riconda's motions *in limine* on the grounds that they were filed in letter form (Motion Seq. 013) is denied;

ORDERED that Liberty's motion *in limine* or, alternatively, for partial summary judgment dismissing plaintiff's post-note of issue bad faith claim (Motion Seq. 010) is [denied/reserved];

ORDERED that Riconda's letter motion *in limine* for an order precluding Liberty from referring to the monetary policy limit (Dkt. No. 298) is denied;

ORDERED that Riconda's letter motion *in limine* for an order precluding Liberty from referring to alleged "collusion" between Riconda and Mr. Ed Cummings (Dkt. No. 296) is reserved;

ORDERED that Liberty's motion *in limine* for an order precluding Riconda's recovery of \$1,872,602 in damages at trial (Motion Seq. 011) is denied;

ORDERED that Liberty's motion *in limine* for a special verdict form supported by written interrogatories (Motion Seq. 012) is denied;

ORDERED that Riconda's letter motion *in limine* for an order precluding Liberty from mentioning the lawsuit captioned *Ghio, et al. v. Pendergast, et al.*, No. HHD-CV15-6058382-S (Dkt. No. 297) is granted;

ORDERED that Riconda's letter motion for an order precluding Liberty from introducing evidence of any reasons for denying coverage not stated in Liberty's first declination letter (Dkt. No. 299) is denied, subject to Riconda's request for leave to reargue the Florida/New York choice of law motion, in which case Riconda may re-raise this issue.

IT IS SO ORDERED.

Dated: March \_\_, 2018  
New York, New York

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JERRY GARGUILO  
SUFFOLK COUNTY SUPREME COURT  
JUSTICE