

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----- X
JOHN R. RICONDA

Plaintiff,

vs.

LIBERTY INSURANCE UNDERWRITERS, INC.

Defendant.
----- X

: Index No.: 003655/2012

: Honorable Jerry Garguilo

: **DEFENDANT LIBERTY'S**
: **[PROPOSED] ORDER ON NOTICE**

The Court, having reviewed the motions *in limine* filed by the parties and related pretrial submissions, and following oral argument conducted 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 Riconda's post-note of issue bad faith claim (Motion Seq. 010) is granted as to bad faith and punitive damages and reserved as to consequential damages for breach of contract;

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 challenging damages and referring to alleged "collusion" between Riconda and Mr. Ed Cummings (Dkt. No. 296) is denied;

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 reserved;

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

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 *in limine* for an order precluding Liberty from introducing evidence of any of the reasons for denying coverage not stated in Liberty's first declination letter (Dkt. No. 299) is denied.

IT IS SO ORDERED

Dated: March __, 2018
New York, New York

GERRY GARGUILO
SUFFOLK COUNTY SUPREME COURT
JUSTICE