

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

GUY WINE,

Plaintiff,

v.

SKYLINE EMERGENCY PHYSICIANS, P.L.C., AND
WALTER WESLEY HOWARD, M.D.

Defendant

CIVIL No. 3:06cv00050

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's Motion in Limine, filed on July 9, 2007 (docket entry no. 38) and on Defendants' Motion in Limine, filed on July 10, 2007 (docket entry no. 41). For the following reasons, these motions are hereby GRANTED IN PART and DENIED IN PART.

With respect to Plaintiff's motion:

1. Evidence of Defendant Walter Wesley Howard's experience practicing medicine is relevant, regardless of the location of that experience, but characterizing him as a "missionary" while doing such work is irrelevant and inadmissible. Accordingly, Defendants may provide an explanation of Howard's work for the purposes of relating his medical experience, including the auspices under which he was doing that work, but they may not characterize Howard as a "missionary." Therefore, Plaintiff's first argument is GRANTED IN PART and DENIED IN PART.
2. For the reasons stated on the record, Plaintiff's second argument is tentatively DENIED pending the evidence at trial.
3. For the reasons stated on the record, Plaintiff's third argument is tentatively DENIED

- pending the evidence at trial.
4. Because the parties have agreed on Plaintiff's fourth argument, it is GRANTED.
 5. Because Defendants have stated that they will not attempt to argue that Fair Oaks Hospital or its personnel were negligent or breached the standard of care in its treatment of Plaintiff, Plaintiff's fifth argument is—to that extent—DENIED as moot. As for the Plaintiff's argument with respect to the two-and-a-half day time delay, that argument is tentatively DENIED pending evidence at trial.
 6. Because Defendants do not object to Plaintiff's sixth argument, it is GRANTED.
 7. For the reasons stated on the record, Plaintiff's seventh argument is DENIED.
 8. Because Defendants do not object to Plaintiff's eighth argument, it is GRANTED.
 9. Because Defendants do not object to Plaintiff's ninth argument, it is GRANTED.
 10. Because Defendants have agreed to not argue that Plaintiff malingered with regard to the vacuum dressing, that portion of Plaintiff's motion is GRANTED; but to the extent Defendants seek to argue about the two-week delay regarding the dressing, Plaintiff's motion is tentatively DENIED pending evidence at trial. Additionally, Plaintiff's motion is GRANTED with respect to insurance: the parties are precluded from referring to Plaintiff's insurance coverage or any other collateral source payments.
 11. Because Defendants do not object to Plaintiff's eleventh argument, it is GRANTED.
 12. Because Defendants do not object to Plaintiff's twelfth argument, it is GRANTED.
 13. Because Defendants do not object to Plaintiff's thirteenth argument, it is GRANTED.

With respect to Defendants' motion:

1. Because the parties have agreed on Defendants' first argument, it is GRANTED.
2. For the reasons stated on the record, Defendants' second argument is tentatively DENIED pending the evidence at trial.
3. Because the parties have agreed on Defendants' third argument, it is GRANTED.
4. For the reasons stated on the record, Defendants' fourth argument is DENIED.
5. For the reasons stated on the record, Defendants' fifth argument is DENIED.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED: /s/ Norman K. Moon
United States District Judge

Date