

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA**

ASHLEY HOBBY,

Plaintiff,

v.

Case no. 24000961CAAXMX

ALDI FLORIDA, LLC and
DKC STUART LANDINGS, LLC


Defendants.
_____ /

**ORDER DENYING PLAINTIFF'S MOTION IN LIMINE AS TO SECTION
768.0427, FLORIDA STATUTES**

THIS CAUSE having come before the Court on May 15, 2025, on Plaintiff's motion in limine as to section 768.0427, Florida Statutes, filed February 21, 2025 (Doc. 47), and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that Plaintiff's motion is denied for the reasons stated at the hearing. An excerpt of the transcript containing this Court's ruling is attached. For past medical expenses that have been satisfied, section 768.0427(2)(a) limits the evidence to "the amount actually paid, regardless of the source of payment." For unpaid medical expenses and future medical expenses, Plaintiff is required to introduce the evidence described in the applicable subsection in 768.0427(2)(b)1.-4. and (c)1.-2. depending on the factual circumstances. However, Plaintiff may also introduce evidence of unpaid medical expenses and future medical expenses under 768.0427(2)(b)5. and (c)3.

DONE AND ORDERED in Martin County, Florida, June 10, 2025.



ELIZABETH A. METZGER
Circuit Judge

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING VIA THE E-FILING PORTAL:
Matthew R. Naparstek, Counsel for Plaintiff, matt@eninjurylaw.com and melissa@eninjurylaw.com
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Rollin M. Smith, Counsel for Defendant DKC Stuart Landings, LLC, rsmith@mmhlaw.com

Ashley Hobby vs Aldi FL LLC
Metzger, Judge Elizabeth on 05/15/2025

IN THE CIRCUIT OF COURT OF THE
19TH JUDICIAL CIRCUIT, IN AND FOR
MARTIN COUNTY, FLORIDA

CASE NO.: 432024CA000961CAAXMX

ASHLEY HOBBY,

Plaintiff,

vs.

ALDI FLORIDA, LLC and DKC STUART
LANDINGS, LLC,

Defendants.

RULING EXCERPT

The above-entitled cause came on for hearing before the
HONORABLE JUDGE ELIZABETH METZGER, as Presiding Judge at
the Martin County Courthouse, 100 East Ocean Blvd.,
Stuart, Florida 34994 on the 15th day of May, 2025,
commencing at 1:30 p.m.

REPORTED BY:
CHYNNA BARBOSA-PANCHANA, CER, COURT REPORTER
STATE OF FLORIDA



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APPEARANCES OF COUNSEL

ON BEHALF OF THE PLAINTIFF:

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01 (The following is an excerpt of these
02 proceedings.)

03 * * * * *

04 THE COURT: All right. Thank you very much.

05 I've read everything that everyone has
06 submitted and I do have to say for future
07 reference, for defense, please don't submit a memo
08 the night before after hours. I require at least
09 10 business days before. For my special sets. I
10 have a lot of special sets and I do read your
11 materials and prepare and that's just not really
12 helpful to the Court --

13 MR. ROBINS: I understand your Honor.

14 THE COURT: -- if you're doing it at the last
15 minute like that. Certainly the -- these arguments
16 are interesting. I -- everyone agrees that
17 statutory interpretation starts with the plain
18 language of the statute that the legislature gave
19 us. And I know there is argument about shall --
20 the shall. But I also do know that our Florida
21 Supreme Court has recognized that although there is
22 no fixed construction of the word "Shall" it
23 normally is meant to be mandatory in nature. And
24 its interpretation really depends, as we talked
25 about, or at least the argument has been, on the

01 context in which that word "Shall" is found.

02 Here, the Court finds, given the context of
03 the language in this statute, the only reasonable
04 interpretation of the term "Shall" is as must or
05 will.

06 I know Plaintiff argues, because the statute
07 uses the term "Admissible" and not the word
08 "Required" that the language "Shall" is permissive.
09 But this Court finds that this interpretation that
10 the Plaintiff is espousing would require the Court
11 to ignore the remainder of the text that is
12 contained within this particular statute. I also
13 point out, and again, this has been pointed out by
14 Counsel, the statute does not contain the language
15 that we're talking about in (2)(a), but it
16 purposefully includes the, "Shall include, but is
17 not limited to" in (2)(b) and (c).

18 Reading the phrase, "Shall include but is not
19 limited," would render this language superfluous.

20 This Court finds. Additionally I know there
21 has been reference to the word "Admissible" as
22 provided in the subsection, again, I mentioned it.

23 But the overall context doesn't result in the
24 interpretation of the statute as being just an
25 admissibility issue.

01 So, as a result, the Court is denying the
02 Plaintiff's motion in limine. If you would please
03 provide me with a proposed order, I would
04 appreciate it, after you clear it with opposing
05 Counsel. And I think I issued an order today that
06 is requiring a submission of a case management
07 plan. I don't think I have one in this case. I
08 went to the file because I know the argument which
09 I did not want to be presented about this being
10 premature, caused me to take a look and see if we
11 had a case management plan and we didn't. So
12 please get that to me per the order that I issued
13 today. Thank you so much.

14 MR. ROBINS: Thank you, your Honor.

15 MR. PETEVES: Your Honor, may I ask a
16 question? This is Dimitrios Peteves.

17 THE COURT: Sure.

18 MR. PETEVES: For the proposed order, can we
19 just say, "The motion is denied for the reasons
20 stated on the record?" We do have a Court Reporter
21 here.

22 THE COURT: Sure. I would prefer that you
23 attach that if you're going to do that, attach the
24 transcript to the order. I don't think that the
25 Fourth DCA appreciates just stating that. I think

01 that they prefer to know exactly what the Court
02 said. So, if you -- if you want to do it short and
03 sweet like that, I'm going to require that you
04 attach the transcript.

05 MR. PETEVES: Understood.

06 THE COURT: Okay. Thank you so much. Bye-
07 Bye.

08 MR. PETEVES: Thank you.

09 MR. ROBINS: Thank you for your time, your
10 Honor. May I be dismissed?

11 THE COURT: You may.

12 * * * * *

13 (End of excerpt.)
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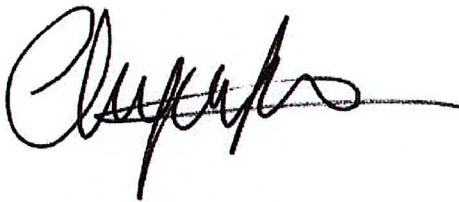
CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF MARTIN

I, CHYNNA BARBOSA-PANCHANA, Court Reporter and Notary Public for the State of Florida, do hereby certify that I was authorized to and did digitally report and transcribe the foregoing proceedings, and that the transcript is a true and complete record of my notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Witness my hand this 21st day of May, 2025.



CHYNNA BARBOSA-PANCHANA, CER, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA

<p>(</p> <p>(2)(a) 4:15</p> <p>(2)(b) 4:17</p> <p>(c) 4:17</p> <hr/> <p>1</p> <hr/> <p>10 3:9</p> <hr/> <p>A</p> <hr/> <p>about 3:19,25 4:15 5:9</p> <p>Additionally 4:20</p> <p>admissibility 4:25</p> <p>Admissible 4:7,21</p> <p>after 3:8 5:4</p> <p>again 4:13,22</p> <p>agrees 3:16</p> <p>All 3:4</p> <p>also 3:20 4:12</p> <p>although 3:21</p> <p>appreciate 5:4</p>	<p>appreciates 5:25</p> <p>argues 4:6</p> <p>argument 3:19,25 5:8</p> <p>arguments 3:15</p> <p>ask 5:15</p> <p>attach 5:23 6:4</p> <hr/> <p>B</p> <hr/> <p>because 4:6 5:8</p> <p>before 3:8,9</p> <p>business 3:9</p> <p>Bye 6:7</p> <p>Bye- 6:6</p> <hr/> <p>C</p> <hr/> <p>can 5:18</p> <p>case 5:6,7,11</p> <p>caused 5:10</p> <p>Certainly 3:15</p> <p>clear 5:4</p>	<p>construction 3:22</p> <p>contain 4:14</p> <p>contained 4:12</p> <p>context 4:1,2,23</p> <p>Counsel 4:14 5:5</p> <p>Court 3:4,12,14,21 4:2,9, 10,20 5:1,17,20,22 6:1,6,11</p> <hr/> <p>D</p> <hr/> <p>days 3:9</p> <p>DCA 5:25</p> <p>defense 3:7</p> <p>denied 5:19</p> <p>denying 5:1</p> <p>depends 3:24</p> <p>didn't 5:11</p> <p>Dimitrios 5:16</p> <p>dismissed 6:10</p> <p>doesn't 4:23</p> <p>don't 3:7 5:7,24</p>	<p>E</p> <hr/> <p>end 6:13</p> <p>espousing 4:10</p> <p>everyone 3:5,16</p> <p>everything 3:5</p> <p>exactly 6:1</p> <p>excerpt 3:1 6:13</p> <hr/> <p>F</p> <hr/> <p>file 5:8</p> <p>finds 4:2,9,20</p> <p>fixed 3:22</p> <p>Florida 3:20</p> <p>following 3:1</p> <p>found 4:1</p> <p>Fourth 5:25</p> <p>future 3:6</p> <hr/> <p>G</p> <hr/> <p>gave 3:18</p>
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Ashley Hobby vs Aldi FL LLC
Metzger, Judge Elizabeth on 05/15/2025

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