



Honesty - Integrity - Character

Palm Beach County Commission on Ethics

Commissioners

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Mark E. Bannon

In Re: Lynne Hubbard

C18-008

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the above-referenced complaint has been set for a hearing regarding the Respondent's Motion in Limine that was filed on May 10, 2021 before the Palm Beach County Commission on Ethics with Thomas H. Dougherty as the Hearing Officer. The hearing will be held via WebEx at the following link:

<https://pbc-gov.webex.com/pbc-gov/j.php?MTID=mbcb02f38ad2fd61bb61155a0054425c3> on Thursday, May 20, 2021 at 11:30 am. The meeting number is 172 476 6112, and the password is gZPE4Eye3d4. If you would like to join by video system, dial 1724766112@pbc-gov.webex.com; you can also dial 173.243.2.68 and enter your meeting number. If you would like to join by phone, dial 1-844-621-3956 or 1-415-655-0001 and use access code: 172 476 6112.

The hearing is open to the public and minutes will be taken by the clerk. An abbreviated version of the minutes will be provided by the clerk approximately one month after the hearing. If you would like a verbatim copy of the minutes, you may request a copy at your own expense.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the Notice of Hearing was sent via email this 14th day of May, 2021 to Thomas H. Dougherty, Esquire, Hearing Officer; Gwendolyn S. Tuggle, Esquire, Attorney for Respondent; and Flynn P. Bertisch, Esquire, COE Advocate.

By:

Mark E. Bannon, Executive Director
Palm Beach County Commission on Ethics

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Krista Garber, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380, or immediately upon receiving this notification if the time before the scheduled appearance; if you are hearing or voice impaired, call 711."

PALM BEACH COUNTY COMMISSION ON ETHICS

CASE NO.: C18-008

In Re: Lynne Hubbard
_____ /

RESPONDENT LYNN HUBBARD'S MOTION IN LIMINE TO PRECLUDE ANY AND ALL EVIDENCE REGARDING THE \$5,000 CHECK TO RIVIERA BEACH PREPARATORY ACADEMY REFERENCED IN KAREN HOSKINS WITNESS STATEMENT

LYNNE HUBBARD, by and through her undersigned attorney, pursuant to Florida Statutes § 90.403 and all other applicable law, files this Motion in Limine to Preclude any and all Evidence Regarding the \$5,000 check payable to the Riviera Beach Preparatory Academy, and in support thereof, states as follows:

1. Any and all evidence in connection with the \$5,000 check payable to the Riviera Beach Preparatory Academy, which was referenced in Karen Hoskins witness statement, wherein Bennett stated he saw the check, it was never cashed, a copy was never provided, should be excluded and not admitted into evidence.

2. As any evidence relating to any payment to Riviera Beach Preparatory Academy by a check for \$5,00.00, is irrelevant and the mere mention would be unfairly prejudicial, Respondent seeks an Order in Limine precluding any and all evidence regarding a check for \$5,000.00 made payable to Riviera Beach Preparatory.

3. "Generally, the purpose of a motion in limine is to prevent the introduction of improper evidence, the mere mention of which at trial would be prejudicial." *Buy-Low Save Ctrs., Inc. v. Glinert*, 547 So. 2d 1283, 1284 (Fla. 4th DCA 1989). A motion in limine may not be used as a substitute for a motion for summary judgment but is properly used to exclude irrelevant or improper prejudicial evidence. *See Id.* A party is unfairly prejudiced by evidence when it has a

Motion in Limine

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tendency to suggest a conclusion based on an improper ground. *See State Farm Fla. Ins. Co. v. Figueroa*, 218 So. 3d 886, 889-90 (Fla. 4th DCA 2017).

WHEREFORE, the Respondent, for the aforementioned reasons, respectfully requests this Honorable Court enter an Order in Limine precluding any and all evidence regarding the \$5,000 check and granting such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to: **Gina Leveque**, Palm Beach County Commission on Ethics Intake & Compliance Manager (Ethics@palmbeachcountyethics.com); **Flynn P. Bertisch, Esq.** (*Advocate*), 224 Datura Street, Suite 1004, West Palm Beach, Florida 33401-5638 (flynn@bertischlaw.com), on this 10th day of May, 2021.

LAW OFFICE OF
GWENDOLYN KEY TUGGLE, P.A.
Attorneys for Defendant Hubbard
1645 Palm Beach Lakes Blvd., Suite 1200
West Palm Beach, Florida 33401
Telephone: 561-279-6446
Facsimile: 561-656-1110

By: /s/ Gwendolyn Tuggle
Gwendolyn Tuggle, Esq.
Florida Bar No. 791717
gkt@gktlegal.com

PALM BEACH COUNTY COMMISSION ON ETHICS

CASE NO.: C18-008

In Re: Lynne Hubbard
_____ /

RESPONDENT LYNN HUBBARD'S MOTION IN LIMINE TO PRECLUDE ANY AND ALL REFERENCES TO THE ARREST OF SHIRLEY MADISON BROOKS FOR DOMESTIC VIOLENCE

LYNNE HUBBARD, by and through her undersigned attorney, pursuant to Florida Statutes § 90.403 and all other applicable law, files this Motion in Limine to Preclude any and all reference to the arrest of Shirley Madison Brooks for domestic violence, and in support thereof, states as follows:

1. Shirley Madison Brooks domestic violence arrest was a “No File” and the no contact order was rescinded. See copies of the Palm Beach County Clerk Court Docket - Case Number 502014MM010017-AXXXMB showing the case was disposed as a “No File” on 7/24/14. Further, it is clear from the police report narrative that Shirley Madison Brooks became involved only in an attempt to break up a fight between the 2 other individuals.
2. Any reference relating to her arrest is therefore irrelevant and the mere mention would be unfairly prejudicial, and only meant to humiliate and harass the witness. ...its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence.
3. Therefore, any and all references to the arrest of Shirley Madison Brooks for domestic violence, should be excluded and not admitted into evidence.
4. Respondent seeks an Order in Limine precluding any and all evidence regarding the same.

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5. “Generally, the purpose of a motion in limine is to prevent the introduction of improper evidence, the mere mention of which at trial would be prejudicial.” *Buy-Low Save Ctrs., Inc. v. Glinert*, 547 So. 2d 1283, 1284 (Fla. 4th DCA 1989). A motion in limine may not be used as a substitute for a motion for summary judgment but is properly used to exclude irrelevant or improper prejudicial evidence. *See Id.* A party is unfairly prejudiced by evidence when it has a tendency to suggest a conclusion based on an improper ground. *See State Farm Fla. Ins. Co. v. Figueroa*, 218 So. 3d 886, 889-90 (Fla. 4th DCA 2017).

WHEREFORE, the Respondent, for the aforementioned reasons, respectfully requests this Honorable Court enter an Order in Limine precluding any and all evidence regarding the arrest of Shirley Madison and granting such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to: **Gina Leveque**, Palm Beach County Commission on Ethics Intake & Compliance Manager (Ethics@palmbeachcountyethics.com); **Flynn P. Bertisch, Esq.** (*Advocate*), 224 Datura Street, Suite 1004, West Palm Beach, Florida 33401-5638 (flynn@bertischlaw.com), on this 10th day of May, 2021.

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