

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KIRK GUILBEAU

CIVIL ACTION

VERSUS

NO. 09-7631

CAPITAL SAFETY, INC.

SECTION "N" (4)

ORDER AND REASONS

Before the Court is Anadarko's Motion to Exclude Plaintiff's Proposed Expert Witness Dr. Larry Pollock, or, Alternatively, to Exclude Certain of His Opinions (Rec. Doc. 79)¹. Plaintiff, Kirk Guilbeau, opposes this motion. (See Rec. Doc. 114). After considering the memoranda of the parties and the applicable law,

IT IS ORDERED that the **Motion to Exclude Plaintiff's Proposed Expert Witness Dr. Larry Pollock, or, Alternatively, to Exclude Certain of His Opinions (Rec. Doc. 79)** is **DENIED**. While Defendant highlights some alleged weaknesses in Dr. Pollock's opinions (specifically relating to potential malingering), such can be set forth to the jury, which can decide to either disregard such issues or consider them to discount some or all of Dr. Pollock's opinions. The Court will afford Defendant wide latitude to cover all such issues relating to potential malingering during cross-examination.

New Orleans, Louisiana, this 18th day of November 2010.



KURT D. ENGELHARDT
United States District Judge

¹ The Court notes that although Anadarko is no longer a defendant in this matter, Empire Scaffold, LLC ("Empire") joined in this motion. (See Rec. Doc. 89). Thus, this motion is construed as having been brought by Empire.