

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

MAUREEN TOFFOLONI,  
as Administrator and Personal  
Representative of the ESTATE  
OF NANCY E. BENOIT,

Plaintiff,

vs.

LFP PUBLISHING GROUP, LLC,  
d/b/a Hustler Magazine, et al.,

Defendants.

CASE NO. 1:08-cv-00421-TWT

**DEFENDANT'S MOTION *IN LIMINE* TO EXCLUDE  
THE EXPERT REPORT AND OPINION TESTIMONY  
OF DR. USHA NAIR-REICHERT**

NOW COMES Defendant LFP Publishing Group, LLC d/b/a *Hustler Magazine* ("LFP") and hereby respectfully submits this Motion *In Limine* to Exclude the Expert Report and Opinion Testimony of Dr. Usha Nair-Reichert. In support of its Motion, LFP relies on its Brief in Support and the evidence filed therewith, to be manually filed under seal pursuant to the Court's December 22, 2009 Protective Order, Docket Index 70.

Pursuant to Fed. R. Civ. P. 26(a)(2)(b), Plaintiff has proffered the expert report and opinion testimony of Dr. Nair-Reichert. LFP respectfully moves for an order that Dr. Nair-Reichert may not testify at trial because her opinions do not meet the admissibility requirements of Fed. R. Evid. 702.

Dr. Nair-Reichert lacks specialized training or experience in the specific fields relevant to her opinions. Moreover, Dr. Nair-Reichert's analysis lacked a reliable methodology and was based largely on her subjective views rather than facts; and where relevant objective facts were available, Dr. Nair-Reichert either ignored them, made erroneous assumptions about them, or simply made no effort to learn them.

WHEREFORE, for these reasons and those described in its Brief in Support, LFP respectfully requests that this Honorable Court order that the opinions and expert report of Dr. Usha Nair-Reichert be excluded.

[Signature on following page]

Respectfully submitted this 30th day of July 2010.

/s/ S. Derek Bauer

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### **CERTIFICATION OF COUNSEL**

Pursuant to N.D. Ga. Local Rule 7.1D, I hereby certify that this document is submitted in Times New Roman 14 point type as required by N.D. Ga. Local Rule 5.1B.

/s/ S. Derek Bauer

S. Derek Bauer

Georgia Bar No. 042539

### **CERTIFICATE OF SERVICE**

This is to certify that I have this day filed the within and foregoing DEFENDANT'S MOTION *IN LIMINE* TO EXCLUDE THE EXPERT REPORT AND OPINION TESTIMONY OF DR. USHA NAIR-REICHERT via the CM/ECF system which will automatically send notification to Plaintiff's attorneys of record, who are participants in the CM/ECF system.

This 30th day of July 2010.

/s/ S. Derek Bauer

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