

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION**

**CIVIL ACTION NO. 4:09-CV-00061-JHM**

**KEISHA N. NILES, et al.**

**PLAINTIFFS**

**V.**

**OWENSBORO MEDICAL HEALTH  
SYSTEM, INC, et. al.**

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendants Charles F. Hobelman, III, M.D. and Emergency Physicians Group, PSC's ("Defendants") Motions in Limine to Prevent Subsequent Medical Articles [DN 179]. Fully briefed, this matter is ripe for decision.

**I. DISCUSSION**

Defendants single sentence motion states that the Court should "preclude any reference to any medical articles, published subsequent to the events in this case, as establishing the standard of care for emergency medicine physicians." Plaintiffs respond by stating that this motion is unsupported and overly broad. Plaintiffs further argue that publication dates for medical articles do not dictate when the information within the article was known or established. Plaintiffs' argument is well taken. While there may be medical articles published after the events in question that are inadmissible, a blanket prohibition on such articles is overly broad and unwarranted. Therefore, the Court will **RESERVE** this issue for trial and address challenges to such articles on a case by case basis.

**II. CONCLUSION**

For the reasons set forth above, **IT IS HEREBY ORDERED** that Defendants Charles F. Hobelman, III, M.D. and Emergency Physicians Group, PSC's Motions in Limine to Prevent

Subsequent Medical Articles [DN 179] is **RESERVED** for trial.

cc: counsel of record