

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JON JOHNSON and JOHNSON & JOHNSON  
COMMODITIES INC.

CIVIL ACTION

VERSUS

NO. 09-2496

CERTAIN UNDERWRITERS AT LLOYDS  
OF LONDON, etc.

SECTION "N" (4)

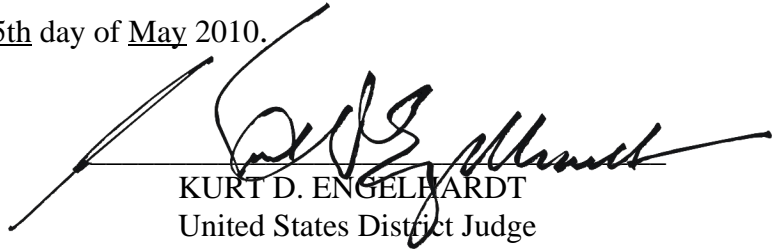
**ORDER AND REASONS**

Presently before the Court are Defendants' "Objection to Admissibility of Affidavit of Christine Berry, Ph.D in Connection with Opposition to Motion for Summary Judgment" (Rec. Doc. 30) and "Motion in Limine to Exclude Proposed Expert Testimony and Report of Plaintiff's Christine Berry, Ph.D" (Rec. Doc. 38). Having carefully reviewed the parties' submissions, **IT IS ORDERED** that the objection and motion are **GRANTED**.

Specifically, the Court does not find that Dr. Berry's proffered testimony will assist the trier of fact in the manner required by Federal Rule of Evidence 702. Although expert testimony regarding pertinent industry practices might be of assistance, Dr. Berry's affidavit and report do not include such information. To the contrary, much of the proffered testimony consists of conclusory determinations that the trier of fact is capable of making without specialized knowledge and/or for which inadequate foundation is provided. Otherwise, the proffered testimony concerns matters more

appropriately argued by counsel or decided by the presiding judge.

New Orleans, Louisiana, this 5th day of May 2010.



KURT D. ENGELHARDT  
United States District Judge