

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOSEPH LEWIS, JR., ET AL.

CIVIL DOCKET

VERSUS

15-318-SDD-RLB

BURL CAIN, ET AL.

RULING

Before the Court is Plaintiffs' Motion in Limine to Exclude Expert Testimony of John Morrison.¹ Defendants have filed an Opposition.² The Court has considered the law and the arguments of the parties, and the Motion is Denied for the following reasons.

Defendants engaged Dr. John Morrison, to provide opinion testimony regarding the impact of the COVID-19 pandemic and hurricane events in South Louisiana on the ability of University Medical Center in New Orleans ("UMCNO") to provide medical and surgical services to the population of inmates at the Louisiana Department of Corrections ("DOC"), including inmates at the Louisiana State Penitentiary ("LSP"). Dr. Morrison is board certified in General Surgery and is currently serving as the Vice-Chair of Education for the Department of Surgery and the Section Chief of general surgery. Dr Morrison provided a 5-page report which narrowly addressed the impact of COVID-19 pandemic and recent hurricanes on UMCNO's health care delivery to DOC inmate patients.

Plaintiffs move to exclude Dr. Morrison arguing that Dr. Morrison's opinions are the result of on subjective belief or unsupported speculation devoid of methods and

¹ Rec. Doc. 696

² Rec. Doc. 704

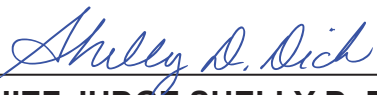
procedures of science. Plaintiffs argue that Morrison “(1) reviewed *no* facts or data in forming his opinion, (2) he purports to provide expert testimony on areas in which he admits he has no expertise, and (3) the facts he gleaned from his “lived experience” of working at UMC during the relevant period are vague, unsubstantiated, and do not meet the requirements of F.R.E. 702.”³

This is a bench trial, hence the risk of juror confusion is not present. The Court reads Dr. Morrison’s as more akin to fact testimony than expert opinion testimony. Nonetheless, the Court finds that Dr. Morrison is qualified by his education and experience to explain the impact of the pandemic and hurricanes on UMC’s healthcare delivery.

The Court will permit Dr. Morrison to testify regarding the limited matters addressed in his report. The Court finds that an understanding of the impact of the COVID-19 pandemic and natural disasters on UMCNO’s ability to provide specialty medical and surgical services is germane and will assist the Court as the trier of fact.

The Court finds that Dr. Morrison’s experience and observations provide a reliable basis for the narrow opinions expressed in his report. Accordingly, the Motion in Limine is Denied.

Signed in Baton Rouge, Louisiana, on May 25, 2022.



**CHIEF JUDGE SHELLY D. DICK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

³ Rec. Doc. 696