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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

ROBERT H. SPENWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

To: All Counsel of Record

Issued By: Judge Rebecca F. Doherty

Subject: Shannon Girard v. Brandt Energy Environmental, L.P., et al  
Civil Action No. 06-1884

Date: March 2, 2009

**MINUTE ENTRY**

Currently pending before the Court is defendant's "Daubert Motion to Exclude Testimony of R. Douglas Womack, PH.D."<sup>1</sup> [Doc. 74] Following a review of the motion and the opposition memorandum filed by plaintiff, the Court finds the arguments of plaintiff's counsel to be well-grounded in law and fact. The Court further finds Mr. Womack's opinions and testimony do not run afoul of the requirements of Fed. R. Evid. 702 or Daubert. As noted in Daubert, "Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence." Id. at 596 (citing Rock v. Arkansas, 483 U.S. 44, 61 (1987)). Accordingly, the motion is DENIED for failure to carry the burden of proof. [Rec. Doc. 74]

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<sup>1</sup>See Daubert v. Merrill-Dow, 509 U.S. 579 (1993).