

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases

Judith E. Levy

United States District Judge

_____ /

This Order Relates To:

Bellwether I Cases

Case No. 17-10164

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**OPINION AND ORDER DENYING AS MOOT DEFENDANTS
VEOLIA NORTH AMERICA, LLC, VEOLIA NORTH AMERICA,
INC., AND VEOLIA WATER NORTH AMERICA OPERATING
SERVICES, LLC'S MOTION IN LIMINE TO EXCLUDE
OPINIONS OF MIRA KRISHNAN [501]**

Before the Court is one of thirteen motions *in limine* filed by Veolia North America, LLC, Veolia North America, Inc., and Veolia Water North America Operating Services, LLC's (collectively "VNA") in anticipation of the first Flint Water bellwether trial. This motion seeks

to exclude the causation opinions offered by Dr. Mira Krishnan, Plaintiffs' expert psychologist.

Motions *in limine* “are meant to deal with discrete evidentiary issues related to trial.” *Dunn ex. rel. Alberry v. State Farm Mut. Auto Ins. Co.*, 246 F.R.D. 266, 274-75 (E.D. Mich. 2009) (collecting cases). This motion does not do so. As VNA acknowledges,¹ Plaintiffs have repeatedly and unambiguously withdrawn Dr. Krishnan's causation testimony.

In limine motion practice without any relevance to evidentiary issues in controversy borders on the frivolous. There is clearly no need to litigate the admissibility of testimony that all parties agree will not be presented at trial. Accordingly, VNA's motion to exclude Dr. Krishnan's causation testimony is DENIED AS MOOT.

IT IS SO ORDERED,

Dated: January 5, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

¹ See ECF No. 501, PageID.37560 (VNA's motion) (“Throughout the discovery process, Plaintiffs have represented to the Court and VNA that they would not rely upon Dr. Krishnan's causation opinions.”)

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 5, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager