IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MEAGHIN JORDAN, ET AL. **PLAINTIFFS**

V. **CAUSE NO. 3:15-CV-220-CWR-LRA**

MAXFIELD & OBERTON HOLDINGS LLC, ET AL. **DEFENDANTS**

ORDER

The plaintiffs have moved to exclude (in part) the expert testimony of Dr. Angela Shannon, a pediatric gastroenterologist. They contend that Dr. Shannon's testimony becomes unreliable and conjectural when she opines that Braylon Jordan may not need a series of transplants. That kind of testimony should come from a transplant surgeon, the plaintiffs say.

The legal standard is well-established. *See Guy v. Crown Equipment Corp.*, 394 F.3d 320, 325 (5th Cir. 2004); Fed. R. Evid. 702. The Court must weed out unreliable and irrelevant expert testimony, *see Knight v. Kirby Inland Marine Inc.*, 482 F.3d 347, 352 (5th Cir. 2007), but otherwise let the jury benefit from "[v]igorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof," *Daubert v. Merrell Dow Pharma., Inc.*, 509 U.S. 579, 596 (1993). In other words, "in determining the admissibility of expert testimony, the district court should approach its task with proper deference to the jury's role as the arbiter of disputes between conflicting opinions." *United States v. 14.38 Acres of Land*, 80 F.3d 1074, 1077 (5th Cir. 1996) (quotation marks and citation omitted).

The legal standard requires today's dispute to be resolved by a jury. Dr. Shannon is well-qualified to testify about the nature and treatment of injuries like Braylon's. When her testimony moves into disputing (as premature) the medical necessity of future transplant surgeries, the parties are free to elicit how her training and experience are as a member of a treatment team

working in conjunction with a surgeon, and not as a surgeon herself. The jury will give her testimony the weight it sees fit.

The motion is denied.

SO ORDERED, this the 22nd day of December, 2017.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE