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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ABBY RIOS,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

Case No. 2:11-CV-01592-KJD-CWH

ORDER

Presently before the Court is Defendant's First Motion in Limine (#149). Plaintiff filed a response (#154).

Defendant seeks to exclude, without opposition, Doctors Goetz and Madi, and Dr. Cash's testimony about potential future surgery. Therefore, the testimony of those witnesses as described in the Court's prior order (#118) is excluded. Carlos Rodriguez, Plaintiff's husband, was properly disclosed in the Second Supplement and may testify as to facts from the date of the pregnancy. Similarly, Doctors Rosler and Ghuman were disclosed in the Second Supplement and may offer testimony as treating physicians, within the limits of Goodman v. Staples, 644 F.3d 817, 821-22 (9th Cir. 2011), as to diagnostic procedures, pain and treatment occurring since the pregnancy. Similarly, the testimony of Doctor Grover and other physicians listed in the order of June 6, 2014 (#118) are limited by Staples and may only testify to the medical opinions formed during the course

1 of their treatment, including the medical necessity for the treatment, reasonableness of charges for
2 such treatment, whether the treatment was causally related to the injuries Plaintiff allegedly sustained
3 in the subject slip and fall accident based on the history provided to them by Plaintiff or other
4 medical records¹ they reviewed during the course of and relating to their treatment of Plaintiff.
5 Testimony related to future damages is limited to those necessitated by the alleged “pregnancy and
6 childbirth aggravation injury.” (Doc. No. 81, 107).

7 Any expert testimony that has not been previously ruled admissible will be limited. Medical
8 evidence will be severely limited based upon the law of the case and sanctions will be imposed upon
9 counsel for any circumvention or attempted circumvention of those earlier orders. Therefore, Dr.
10 Schneier’s testimony is limited in accordance with the Court’s April 11, 2014 order (#107) which
11 stated that both parties were entitled to obtain “updated expert medical opinions regarding to what
12 extent, if any, the condition of Plaintiff’s lumbar spine following surgery and childbirth can
13 reasonably be attributed to injuries caused by the August 2009 accident, rather than to her underlying
14 and pre-existing degenerative conditions.” Of course Dr. Schneier may only testify to those opinions
15 which were disclosed in his report.

16 Accordingly, IT IS HEREBY ORDERED that Defendant’s First Motion in Limine (#149) is
17 **GRANTED in part and DENIED in part.**

18 DATED this 4th day of September 2015.

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21 _____
22 Kent J. Dawson
23 United States District Judge
24

25 _____
26 ¹The medical records must be records which were appropriately disclosed to Defendants during the course of discovery and have not been excluded by the orders of this Court, such as Dr. Johnson’s medical records which have been excluded.