

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BUSYSTORE LIMITED IN
LIQUIDATION, and
BERGFELD CO. LIMITED,
Plaintiffs,**

v.

**CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC., and
COZEN O'CONNOR, P.C.,
Defendants,**

and

**CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC.,
Third Party Plaintiff,**

v.

**CHAIM ZEV LEIFER,
HASKEL KISH and
JFK BLVD. ACQUISITION G.P., LLC,
Third Party Defendants.**

CIVIL ACTION

NO. 13-5195

ORDER

AND NOW, this 23rd day of May, 2018, upon consideration of Plaintiffs' Motion to Exclude the Proposed Expert Testimony of Chaim Saiman (Document No. 121, filed April 17, 2017), Defendant Cushman & Wakefield of Pennsylvania, Inc.'s Memorandum of Law in Opposition to Plaintiffs' Motion to Exclude the Proposed Expert Testimony of Chaim Saiman (Document No. 135, May 24, 2017), Plaintiffs' Reply Memorandum of Law in Further Support of their Motion to Exclude the Proposed Expert Testimony of Chaim Saiman (Document No. 170, filed June 14, 2017), and Cushman & Wakefield and plaintiffs' joint letter dated May 11, 2018, setting forth the remaining issues with respect to Plaintiffs' Motion to Exclude the Expert

Testimony of Chiam Saiman, for the reasons set forth in the accompanying Memorandum, dated May 23, 2018, **IT IS ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1) That part of the Motion which seeks to preclude Professor Chaim Saiman from testifying as to whether the conduct of Berish Berger was consistent with business practices and customs found within the ultra-Orthodox Jewish Community is **DENIED**;

2) That part of the Motion which seeks to preclude Professor Chaim Saiman from testifying regarding Eli Weinstein's larger scheme of religious affinity fraud is **GRANTED**;

3) That part of the Motion which seeks to preclude Professor Chaim Saiman from testifying as to the translation of a letter from Chaim Leifer to Berish Berger dated December 17, 2006, from Hebrew to English is **GRANTED IN PART** and **DENIED IN PART**. Saiman may translate Leifer's letter and may testify as to Biblical and Talmudic references contained in that letter and annotated in Saiman's translation. Saiman may not testify as to Leifer's underlying intent and state of mind.

BY THE COURT:

/s/ **Hon. Jan E. Dubois**

DuBOIS, JAN E., J.