

ORDER:
Motion granted.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

E. Clayton Knowles
U.S. Magistrate Judge

STONEY SCOTT CROWDER and)
SUMMER CROWDER,)
)
Plaintiffs,)
)
vs.)
)
CSX TRANSPORTATION, INC.,)
a corporation,)
)
Defendant.)

Case No. 3:09-0385

**DEFENDANT'S MOTION TO FILE REPLY BRIEF
TO ITS MOTION TO EXCLUDE OPINIONS OF
PLAINTIFFS' MEDICAL EXPERT, WILLIAM J. DUTTON, M.D.**

Comes the Defendant, CSX Transportation, Inc. ("CSXT"), by and through its counsel of record, and for its Motion to File a Reply Brief to its Motion to Exclude Opinions of Plaintiffs' Medical Expert, William J. Dutton, M.D., states that:

On October 7, 2010, CSX filed its Motion to Exclude Opinions of Plaintiffs' Medical Expert, William J. Dutton, M.D. ("Dr. Dutton"). Specifically, CSXT moved to exclude this testimony as Dr. Dutton failed to link Plaintiff's alleged injuries to the collision within a reasonable degree of medical certainty. Instead, Dr. Dutton testified that Plaintiff's alleged injuries "could have" occurred in the collision.

On November 1, 2010, Plaintiffs filed a Response to the Motion. In the Response, Plaintiffs argued that Dr. Dutton testified Plaintiff's injuries were caused by a direct blow trauma. Further, they argued the causal link between Plaintiff's injuries and the collision was "simple" and obviously related to the collision.