

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

BEVERLY KIVEL,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-591

ETHICON, INC., et al.,

Defendants.

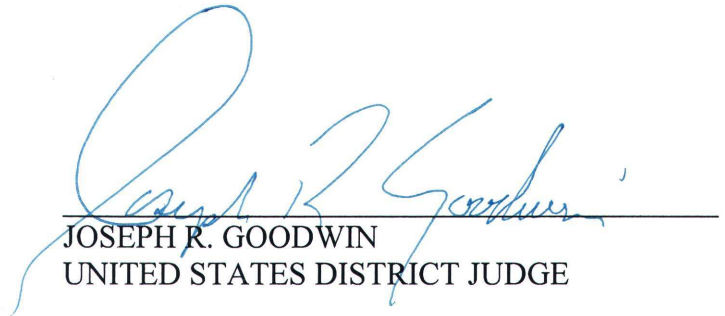
MEMORANDUM OPINION AND ORDER
(Motion in Limine re: Timothy Ulatowski)

Pending before the court is the plaintiff's Motion in Limine to Limit Testimony at Trial of Ethicon's Regulatory Expert, Timothy Ulatowski [ECF No. 96]. For the following reasons, the Motion is **DENIED as moot**.

The plaintiff requests that the court exclude portions of defense expert Timothy Ulatowski's report related to the FDA as improper and prejudicial. Mem. Supp. Mot. Lim. 1 [ECF No. 97]. Specifically, the plaintiff wishes to exclude references to the FDA's 510(k) clearance process, FDA regulations or procedures, FDA decision-making, FDA communications, and the defendants' compliance with such. *Id.* at 2. The plaintiff's Motion is duplicative as the court previously ruled on the admissibility of such evidence. *See* Mem. Op. & Order, Aug. 25, 2016, 6–8 [ECF No. 107]. Therefore, the plaintiff's Motion [ECF No. 96] is **DENIED as moot**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 13, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE