

ELECTRONICALLY FILED

Marion Superior Court 2
Judge Theodore M Sosin
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STATE OF INDIANA)
)
COUNTY OF MARION) **MARION SUPERIOR COURT**
)
) **COMPLEX LITIGATION DOCKET**
) **SILICA/MIXED DUST DIVISION**

ROBISON, 98-135 96-000
SWITZER, 98-157
KERFOOT, 98-267
GRAHAM, 98-071
GRIDER, 98-263

**ORDER EXCLUDING AND STRIKING DOCUMENTS, RECORDS AND
DIAGNOSTIC MATERIALS GENERATED BY RESPIRATORY TESTING SERVICES**

Certain Defendants herein have moved to exclude and strike from the designated summary judgment record all documents, records and diagnostic materials generated by Respiratory Testing Services, Inc., in the course of conducting mass screenings and any opinions and conclusions contained therein, asserting that those documents, records and diagnostic materials are unreliable and, therefore, inadmissible pursuant to Rules 702 and 703 of the Indiana Rules of Evidence.

The Court, being duly advised in the premises, hereby finds that the documents, records and diagnostic materials generated by Respiratory Testing Services, Inc. and any opinions and conclusions contained therein are unreliable and, therefore, inadmissible, pursuant to Rules 702 and 703 of the Indiana Rules of Evidence and that Defendants motions should be granted and that these documents, records and diagnostic materials should be excluded and stricken from the designated summary judgment record in these cases.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the documents, records and diagnostic materials generated by Respiratory Testing Services shall be excluded and are stricken from the designated summary judgment record herein.

All of the above is SO ORDERED.

/s/ Theodore M Sosin (Original signature on file with Court.)
Judge Theodore M Sosin

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