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CV 01 05311 #00000095

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FILED RECEIVED
JAN 22 2003
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
DEPUTY
BY

Hon J Kelley Arnold

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEN L JARAMILLO, individually and as
Personal Representative of the Estates of
ANGELA L JARAMILLO and MCKENNA
LEE JARAMILLO, GERALD R TARUTIS
as guardian ad litem for RILEY R
JARAMILLO, a minor, and BRADFORD J
FULTON as guardian ad litem for SAWYER
D JARAMILLO, a minor,

Plaintiffs,

v

FORD MOTOR COMPANY, a Delaware
corporation, and DOREL JUVENILE GROUP,
INC , a foreign corporation,

Defendants

NO C01-5311JKA

**PLAINTIFFS' COMBINED
DAUBERT MOTION AND
MOTION IN LIMINE
REGARDING FORD'S EXPERT
DR. MICHELLE VOGLER**

ORAL ARGUMENT REQUESTED

**NOTE FOR HEARING:
February 3, 2003**


PLTFS' COMBINED *DAUBERT* MOTION AND MIL RE
FORD'S EXPERT DR MICHELLE VOGLER - 1
NO C01-5311JKA

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1 COME NOW plaintiffs and move the court for an order excluding the opinions of
2 Dr Michelle Vogler and Exhibits A587-A628 on the grounds that her opinions are not relevant
3 to any issue the jury is to decide (Fed R Civ P 402, 403) because her evidence is
4 impermissible under substantive case law concerning similarity of other incidents and because
5 her opinions are unreliable and unscientific as defined in *Daubert v Merrell Dow*
6 *Pharmaceuticals, Inc* , 509 U S 599 (1993) In the alternative, plaintiffs request a hearing on the
7 issues of Dr Vogler's qualifications, methodology and opinions
8

9 DATED this 21 day of Jan, 2003

11 STRITMATTER KESSLER WHELAN WITHEY COLUCCIO

12 

13 PAUL W WHELAN, WSBA #2308
14 PETER O'NEIL, WSBA #28198
15 PAUL L STRITMATTER, WSBA #4532
16 Counsel for Plaintiffs

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26 PLTFS' COMBINED *DAUBERT* MOTION AND MIL RE
FORD S EXPERT DR MICHELLE VOGLER - 2
NO C01-5311JKA