

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

TRACIE A. GOINS,

Plaintiff

v.

Case No.: CL08-1087

ROBERT D. DAVIS, JR.,

Defendant.

ORDER

The parties appeared on April 14, 2009, by counsel, for argument on various motions *in Limine*. The rulings of the court are as follows:

1. Plaintiff's Motion *in Limine* to Exclude Defendant's Expert Witness Robert O. Gordon, M.D. is DENIED in part and GRANTED in part as follows:

a. For good cause shown, that is the insufficiency of the Defendant's expert disclosure pursuant to Rule 4:1 (b) (4) (A) (i), Defendant is ORDERED to supplement his expert disclosure setting forth a summary of the grounds for Dr. Gordon's opinions within three (3) days from the date of this hearing, and to make Dr. Gordon available for deposition prior to trial. The parties are encouraged, however, to attempt to resolve the issue of the sufficiency of Defendant's expert disclosure amongst themselves.

b. It is FURTHER ORDERED that Dr. Gordon shall not be permitted to provide any biomechanical testimony, including testimony concerning the force of the motor vehicle crash or the damage to the accident vehicles as they may relate to plaintiff's injuries.

c. It is FURTHER ORDERED that Dr. Gordon shall not be permitted to testify about the credibility or veracity of the plaintiff or any other witness, including testifying that there is a functional component to plaintiff's complaints of pain beyond July 2007 which may be explained by malingering, lying, a motivation for secondary gain, a history of depression, or any other psychiatric or psychologic trait or condition.

2. Plaintiff's Motion to Limit the Testimony of Defendant's Record Reviewer, Robert O. Gordon, M.D., is DENIED for the reason that objections to Dr. Gordon repeating inadmissible hearsay from plaintiff's records should be made at trial.

3. Defendant's First Motion to Quash plaintiff's subpoena *duces tecum* to Dr. Gordon ("Gordon Subpoena") is DENIED in part and GRANTED in part. Dr. Gordon shall produce any documentation responsive to the third paragraph of Exhibit A for the last five years. In addition, Dr. Gordon shall produce documentation responsive to the fifth paragraphs of Exhibit A, however, the cost and expense associated with sorting through and collecting this information, including redacting patient information, shall be paid by the plaintiff.

4. Defendant's Second Motion to Quash plaintiff's subpoena *duces tecum* to Sentara Williamsburg Community Hospital, Inc. is DENIED in light of defendant's withdrawal of his objection to the subpoena.

5. Defendant's Third Motion to Quash plaintiff's subpoena *duces tecum* to Medstar-Georgetown Medical Center, Inc. is DENIED in light of defendant's withdrawal of his objection to the subpoena.

6. Defendant's Fourth Motion to Quash plaintiff's subpoena *duces tecum* to State Farm Mutual Automobile Insurance Company is DENIED in part and

granted in part. State Farm shall provide information responsive to the second paragraph of Exhibit A for the past five (5) years.

7. Defendant's Fifth Motion to Quash plaintiff's subpoena *duces tecum* to the Internal Revenue Service is DENIED in light of defendant's withdrawal of his objection to the subpoena.

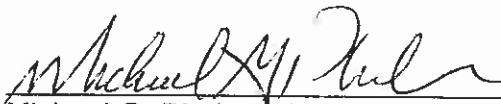
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Judge


SEEN AND AGREED TO IN PART AND OBJECTED TO IN PART FOR THE REASONS STATED ON THE RECORD: A COPY TESTE
BY: DYLAN W. WENNING, CLERK

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