

CCASE:  
CONTESTS OF RESPIRABLE DUST SAMPLE  
DDATE:  
19921120  
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IN RE: CONTESTS OF RESPIRABLE ) Master Docket No. 91-1  
DUST SAMPLE ALTERATION )  
CITATIONS )

ORDER DENYING MOTION TO EXCLUDE  
TESTIMONY OF JOHN J. MILLER

ORDER GRANTING MOTION TO EXCLUDE  
TESTIMONY OF "28 CASE-SPECIFIC FACT  
WITNESSES" NAMED BY SECRETARY

At the final prehearing conference preceding the common issues trial, I heard argument on the Contestants' pending motions to exclude the testimony of John J. Miller, named as an expert witness by the Secretary, and to exclude the testimony of 28 fact witnesses named or identified in the Secretary's witness list.

On the record, I denied the motion to exclude the testimony of Dr. Miller on the grounds that he was identified as a witness in accordance with the Discovery Plan, and that his opinions described in his reports are relevant to the issue before me in the common issues trial.

I granted the motion to exclude the testimony of the 28 named and identified fact witnesses on the grounds that their proposed testimony is highly case-specific and not relevant to the issue before me in the common issues trial.

This will confirm the orders issued from the bench on November 17, 1992.

James A. Broderick  
Administrative Law Judge

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