

FILED

JUL 26 2019

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

JAMES ADAMS, JR., et al.,)	
)	
Plaintiffs,)	
)	Cause No. 17SL-CC02721
v.)	
)	Division No. 1
MONSANTO COMPANY,)	
)	
Defendant.)	

ORDER

Presently before the Court are Defendant Monsanto Company’s (“Defendant”) various motions to exclude the opinion testimony of Plaintiff Sharlean Gordon’s (“Plaintiff”) experts Dr. Charles Benbrook, Dr. Chadi Nabhan, Dr. Dennis Weisenburger, Dr. Beate Ritz, Dr. Charles Jameson and Dr. Martyn Smith. The Court heard the arguments of counsel and reviewed the pleadings and exhibits submitted.

The decision to admit or exclude expert testimony is within the trial court's discretion. *Payne v. Fiesta Corporation*, 543 S.W.3d 109, 119 (Mo.App. E.D. 2018); *Williams v. Mercy Clinic Springfield Communities*, 568 S.W.3d 396, 416 (Mo., 2019). What facts and data an expert relies on in forming his opinion does not affect the admissibility of his testimony but goes to the jury's assessment of his credibility and the weight to be given to his testimony. *Freight House Lofts Condo Ass'n v. VSI Meter Servs., Inc.*, 402 S.W.3d 586, 596 (Mo.App. W.D. 2013).

The Court denies Defendant’s Motions to exclude the testimony of Plaintiff’s experts. Defendant’s Motions do not simply seek to limit the scope of the testimony of Plaintiff’s experts but instead seek to exclude Plaintiff’s experts from offering any opinions. The Court can address any issues as to the proper scope of the opinions of Plaintiff’s experts through appropriate pre-trial motions, stipulations, objections at trial, etc. But the Court finds no basis to exclude the



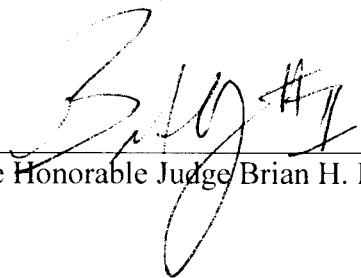
opinions of Plaintiff's experts in their entirety.

WHEREFORE, Defendant Monsanto Company's: 1) Motion to Exclude the Opinions of Plaintiff's Expert Dr. Benbrook, 2) Motion to Exclude the Opinions of Plaintiff's Experts Dr. Nabhan and Dr. Weisenburger, and 3) Motion to Exclude Plaintiffs' General Causation Experts (Dr. Beate Ritz, Dr. Charles Jameson, Dr. Dennis Weisenburger, and Dr. Martyn Smith) are **DENIED.**

SO ORDERED:

7/26/19

Date



The Honorable Judge Brian H. May

cc: Attorneys of Record