

IN RE: FIREFIGHTER HEARING  
LOSS LITIGATION

**DOCKETED  
COMPLEX LIT CENTER**

APR 29 2010

**J. STEWART**

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

TRIAL DIVISION – CIVIL

JUNE TERM, 2008

NO. 3755

In Re: Firefighters Hearing Loss Program-ORDER



08060375500047

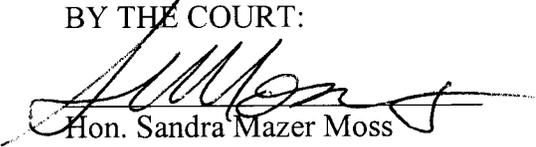
AND NOW, this 27<sup>th</sup> day of April, 2010, upon consideration of the joint request of plaintiffs and defendant for global rulings on all MOTIONS IN LIMINE; and to avoid unnecessary and duplicative filings of similar motions in each case;

It is hereby ORDERED and DECREED that the following motions and rulings are deemed to have been filed, answered, replied and ruled upon, in each and every case in the above program, with both parties' appellate rights with respect to each motion specifically preserved, without the need to file said motions in each case:

<b>MOTIONS FILED BY PLAINTIFF</b>	<b>CONTROL NO.</b>
Plaintiff's Motion to Exclude Evidence of Plaintiff's Assumption of Risk – <b>Denied (J. Jackson); 2/16/10</b>	09121371
Plaintiff's Motion to Bar Evidence of Union and Philadelphia Fire Department Hearing Protection Meetings and Grievances – <b>Denied (J. Jackson); 2/16/10</b>	09121371
Plaintiff's Motion to Bar Warning Evidence – <b>Withdrawn in part by agreement and denied in part (J. Jackson); 2/16/10</b>	09121371
Plaintiff's Motion to Exclude Sole Proximate Cause Opinions by Defense Experts – <b>Withdrawn by agreement; 2/16/10</b>	09121371
<b>MOTIONS FILED BY DEFENDANT</b>	<b>CONTROL NO.</b>
Defendant's Motion in Limine to Exclude Improper References to Non-OSHA Government Studies or Recommendations – <b>Withdrawn by agreement; 2/16/10</b>	09121653

Defendant's Motion In Limine to Exclude any Testimony Regarding the Legislative Intent of OSHA Regulations – <b>Granted in part and resolved by agreement in part (J. Jackson); 2/16/10</b>	09121649
Defendant's Motion in Limine to bar Plaintiffs from calling Jennifer Sherman as a Trial Witness – <b>Granted (J. Jackson); 2/16/10</b>	09121654
Defendant's Motion in Limine to Bar Evidence of Specific Instances of Conduct Regarding Joe Ross – <b>Granted; (J. Jackson); 2/16/10</b>	09121736
Defendant's Motion in Limine to Exclude any Reference to Other Hearing Loss Litigation – <b>Granted (J. Jackson); 2/16/10</b>	09121737
Defendant's Motion in Limine to Exclude the Testimony of Donald Henderson – <b>Denied with restriction that Dr. Henderson could offer opinion that plaintiff's condition was "consistent with" noise-induced hearing loss, but could not state a medical opinion on plaintiff's causation</b>	09121656
Defendant's Motion in Limine to Exclude Evidence of Defendant's Alleged Failure to Test for Effects of Siren Noise on Firefighters – <b>Denied (J. Jackson); 2/16/10</b>	09121655
Defendant's Motion in Limine to Exclude the Opinions of Earl Geddes- <b>Denied (J. Jackson); 2/16/10</b>	09121670

BY THE COURT:

  
Hon. Sandra Mazer Moss  
Coordinating Judge  
Complex Litigation Center