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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 CLIFTON W. MARSHALL, et al.,

12 Plaintiffs,

13 v.

14 NORTHROP GRUMMAN
15 CORPORATION, et al.

16 Defendants.
17

Case No. 16-CV-6794 AB (JCx)

**DEFENDANTS' NOTICE OF
MOTION AND EVIDENTIARY
OBJECTIONS**

Date: June 7, 2019

Time: 10:00 a.m.

Judge: Hon. André Birotte Jr.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that by submission to the Honorable André
3 Birotte Jr. of the United States District Court for the Central District of California,
4 350 W. 1st Street, Courtroom 7B, Los Angeles, CA 90012, Defendants will move
5 on June 7, 2019 to exclude ¶¶ 11(c), 11(d) and 142-159 of Martin Schmidt's
6 Expert Report and related testimony on behalf of Plaintiffs on the grounds that his
7 testimony does not satisfy the requirements of Federal Rule of Evidence 702,
8 *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its
9 progeny. Defendants file this motion at this time because it addresses evidentiary
10 issues related to the Court's consideration of Defendants' Motion for Summary
11 Judgment.

12 Defendants recognize that the Court's order of February 8, 2019 (Dkt. 179)
13 instructed that the Court would hear Defendants' motions to exclude the reports
14 and testimony of two of Plaintiffs' expert witnesses (Steve Pomerantz and David
15 Witz) at the hearing on Defendants' Motion for Summary Judgment on June 7,
16 2019 given that they constitute evidentiary objections related to Defendants'
17 Motion for Summary Judgment. Defendants accordingly have also set this
18 additional motion setting forth evidentiary objections as to Plaintiffs' reliance at
19 summary judgment on their third expert witness, Martin Schmidt, to be heard on
20 June 7, 2019.

21 This motion is made after conferring with counsel pursuant to L.R. 7-3 on
22 April 25, 2019. The parties were unable to reach a resolution that would eliminate
23 the need to file this motion.

24 This motion is based on this Notice of Motion and Motion, the
25 accompanying Memorandum of Points and Authorities, the Declaration of Nancy
26 Ross, and the attached exhibit.

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Dated: May 10, 2019

MAYER BROWN LLP
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By: /s/ Nancy G. Ross
Nancy G. Ross

Attorneys for Defendants