



Complaint Counsel's quality of care expert, Romano, primarily relies on administrative data to support his expert opinions while Respondents' quality of care expert, Epstein, relies on a

Counsel objects to Epstein's methodology, specifically the use of interviews Epstein personally

disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.

FRF 703. Because personal interviews are reasonably relied upon by experts in the field in

developing his opinions. *See* Motion *in limine*, exhibit B, at ¶¶ 6-7. Moreover, Complaint Counsel has not demonstrated that the probative value of the evidence is substantially outweighed by its prejudicial effect in the context of a bench trial. Accordingly, Chassin's testimony will be admitted, subject to cross-examination, and accorded its due weight.

B.

methodologies used and critique the methodology used by the opposing expert. Motion to strike, exhibits 1-2-4. The majority of Enstein's report summarizes his qualifications and experience

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issues addressed in the report, information relied upon, general approaches to measuring quality of care in hospitals, data sources used to analyze quality of care in hospitals, comparison of the approaches of Chassin and Romano, and comments on Chassin's conclusions. Motion to strike, exhibit 4, at 1-10. These sections of the report address the same issues addressed by Romano (i.e.: his methodology and his critique of Chassin's methodology) and do not provide additional assistance in determination of the material issues. A little over one page of Enstein's