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COMMONWEALTH OF KENTUCKY
PIKE CIRCUIT COURT
DIVISION NO. 1

ENTERED

ACTION NO 02-CI-01355

NOV 26 2003

JENNIFER BENTLEY, ET VIR

DAVID DESKINS, CLERK
PIKE CIRCUIT DISTRICT COURT
BY: _____ D.C.

PLAINTIFFS

V.

ORDER

JEFFREY ROSE, ET AL

DEFENDANTS

This cause coming before the Court on various Motions on November 24, 2003, with the proceedings being recorded on Tape No. 1100-A-0 1, IT IS HEREBY ORDERED AS FOLLOWS:

1. On Rose/Adams Trucking's *Daubert* Motions to Exclude the testimony of John Tierney and Edward Berla, the Court FINDS that Mr. Tierney and Dr Berla are qualified to render the opinions given in this case, and the Court DENIES Rose/Adams Trucking's Motion to Exclude.

2. Rose/Adams Trucking's Motion to Strike, Plaintiff's' experts is DENIED.

3. As to Rose/Adams Trucking's Motion regarding specific objections to Dr. Gilbert's evidentiary testimony, the Court OVERRULES all of the objections. However, if there is no evidence of record to support the conclusion that Ms. Bentley sustained a fracture, Dr. Gilbert's testimony will be excluded in that regard only.

4. Rose/Adams Trucking's Motion for Sanctions against the Hon. William Johnson is DENIED.

5. Rose/Adams Trucking's Motion for Costs regarding John Tierney's deposition is PASSED until the resolution of this case.

6. Rose/Adams Trucking's Motion to Exclude MRI is DENIED. Any issue of costs in retaking evidentiary depositions is PASSED until the resolution of this case.

7. Rose/Adams Trucking's Motion to Exclude the testimony of Dr. Kendall is DENIED.

8. Pine Mountain's Motion to Quash parts of Lloyd Potter's subpoena is DENIED, and that information shall be provided within twenty (20) days of today's date. This information is discoverable but may not be admitted at trial.

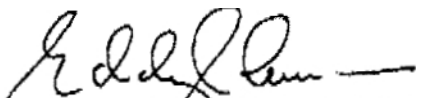
1. The Plaintiffs shall supplement their expert disclosure on Dr. Roberts within ten (10) days of today's date.

2. Evidentiary depositions may be taken at any time before trial upon reasonable notice.

3. The Plaintiffs having filed new Motions, this cause is assigned for hearing on the 19th day of December, 2003, at the hour of 2:00 p.m.. on all pending Motions.

ENTERED this 25th day of November, 2003,

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HON. EDDY COLEMAN
PIKE CIRCUIT COURT
DIVISION NO. 1

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Order was this day mailed to.

Hon. William Johnson
P.O. Box 231
Pikeville, KY 4 1502

Hon. Marrs Allen May
P.O. Box 1465
Pikeville, KY 41502

Hon. Brian Stephenson
333 West Vine Street, Suite 1100
Lexington, KY 40507

Hon. Catherine Stevens
771 Corporate Drive, Suite 905
Lexington, KY 40503

Hon. Howard Keith Hall
P.O. Box 1289
Pikeville, KY 41502

This is the 26 day of Nov., 2003.

W. DAVID DESKINS, CLERK
PIKE CIRCUIT COURT

BY: BR
D.C.