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STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

IN THE ST. JOSEPH SUPERIOR COURT
MISHAWAKA DIVISION
CAUSE NO. 71D06-0305-CT-00116

DALENO F. ANGLIN,)
) Plaintiff,)
)
vs.)
)
PHYLLIS L. REED,)
) Defendant.)

- FILED -

JUN 01 2004

St. Joseph Superior Court
Clerk

ORDER

On May 27, 2004 a hearing was held concerning the defendant's May 11, 2004 Motion To Set Matter For Hearing Pursuant To Rule 702(B) . . . To Determine The Validity Of The Data . . . The defendant appeared by Mr. Wilson, the plaintiff by Mr. Julian. Following the statements of counsel, the court took the decision under advisement.

Having considered the matter, the court denies the Motion, concluding that the New Worklife Expectancy Tables, published by Vocational Econometrics Inc., upon which the plaintiff's expert witness, Stephen Barkhaus, relies in formulating the plaintiff's future lost earnings, are sufficiently reliable to be admissible under I.R.E. 702 and I.R.E. 403.

That Dr. Barkhaus was not called upon to render an opinion concerning a present value of the amount he calculated – something he conceded he was unable to do (deposition, pages 55 and 56) – does not make his testimony otherwise inadmissible. He is “a Board Certified Vocational Expert” (p.5). He is not an economist.

A copy of this Order is mailed to Mr. Wilson and to Mr. Julian.

Date 6/1/04



WILLIAM C. WHITMAN, JUDGE
ST. JOSEPH SUPERIOR COURT