
**VOCATIONAL
ECONOMICS,
INC.**

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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

DEANNA L. HUNT,

Plaintiff,

v.

UCN: 522003CA002776XXCICI
REF: 03-2776-CI-21

CAM-JO, INC. and
GARRATH N. MCKINLEY,

Defendants.

MOTION IN LIMINE/MOTION FOR FRYE HEARING

COMES NOW the Defendant, CAM-JO, INC., by and through its undersigned attorney, and hereby moves this Honorable Court to exclude the testimony of John Tierney, M.A., or, in the alternative for a frye hearing, and as grounds therefore would show as follows:

1. That on September 19, 2005, counsel for the Plaintiff faxed to the undersigned, a report prepared by John Tierney, M.A. of Vocational Economics, Inc., a copy of which is attached hereto labeled Exhibit "A" and incorporated by reference herein.
2. That Mr. Tierney's experienced is as outlined in Exhibit "B" attached hereto and incorporated by reference herein.
3. That the report prepared by Mr. Tierney and the opinions expressed therein, conclude that the Plaintiff's pre and post injury earning capacity was the same, \$16,640.00.
4. That Mr. Tierney is of the further opinion that the Plaintiff's pre and post injury work life expectancy is different, therefore the Plaintiff has suffered a loss of earning capacity.
5. That to express an opinion as to diminution of a claimants work life expectancy, necessitates a medical analysis of the Plaintiff's underlying medical condition and how the Plaintiff's medical condition will effect her work life expectancy in the future.

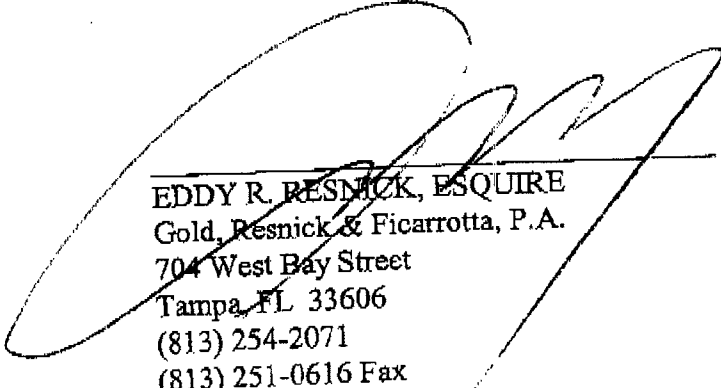
6. That John Tierney does not have the requisite medical training, education and experience to render medical opinions. He is not qualified to express such opinions.

7. That the opinions advanced by John Tierney are beyond the scope of his expertise and lack the proper predicate and foundation.

8. That John Tierney is attempting to legitimize his opinions by bolstering his opinions by referring to articles by other authors.

9. That the opinions advanced by John Tierney with regard to work life expectancy do not reflect generally accepted and tested opinions within the relevant scientific community. Fryc v. United States, 293 F. 1013 (D.C. Cir. 1923) and Ramirez v. State, 651 So.2d 1164 (Fla. 1995).

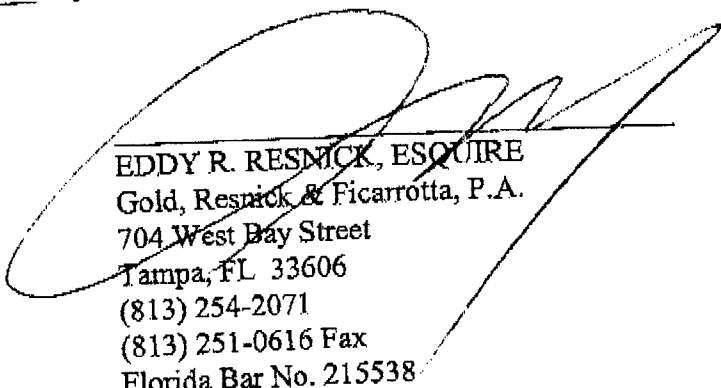
WHEREFORE, the Defendant, CAM-JO, INC., respectfully request this Court prohibit the testimony and opinions of John Tierney or, in the alternative, conduct a frye hearing to determine whether or not said witness is competent to testify with regard to the opinions expressed in Exhibit "A".



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via Facsimile and U.S. Mail to Evan D. Lubell, Esquire, Berke, Lubell & Brunner, P.A., 1003 Del Prado Blvd., Ste. 300, Cape Coral, FL 33990, on this 21 day of September, 2005.



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