

Appleton Litigation Team Wins Key Daubert Motion Which Ends Lawsuit

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Appleton, WI. – Hinshaw & Culbertson LLP successfully got a medical malpractice lawsuit dismissed against a physician client last week after their *Daubert* motion was granted by the trial court. The case involved an allegation that a medical doctor failed to timely diagnose kidney cancer in a middle-aged man leading to substantial damages.

The Appleton litigation team of Patrick F. Koenen and Matthew N. Kees, prepared a *Daubert* motion seeking to preclude the testimony of the plaintiffs' causation expert on the grounds his opinions were not the product of reliable principles and scientific methods required by Wis. Stat. § 907.02 (adopting Rule 702 of the Federal Rules of Evidence and the principles of U.S. Supreme Court case *Daubert v. Merrill Dow*). After making this ruling, the trial court judge determined the case could no longer proceed to a jury and the matter was dismissed on the merits. The parties aggressively litigated this case for almost two years and the case was dismissed approximately one week prior to trial.

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