

THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, PHILADELPHIA COUNTY  
IN THE COURT OF COMMON PLEAS

BRANHAM

vs.

ROHM & HAAS CO., ET AL.

: TRIAL DIVISION- CIVIL  
: MAY TERM, 2006  
: No. 3590 (Lead Case)  
:  
:  
: Plaintiff's Motion in Limine  
: to Preclude Evidence of  
: Epidemiology Studies or Analyses  
: Performed by the McHenry County Dept.  
: of Health, the Illinois Dept. of Health or  
: the Centers for Disease Control (CDC)  
: CONTROL #10041014

DOCKETED

MAY 12 2010

S. LONERGAN

FINDINGS and ORDER

Before this Court is the Plaintiff's Motion to Preclude Evidence of Epidemiology Studies or Analyses Performed by the McHenry County Department of Health, the Illinois Department of Health or the Center for Disease Control (CDC).

The history of the instant litigation does not bear repeating except in the following limited context.

Plaintiff alleges and offers supporting evidence that Defendant improperly stored or maintained a storage facility for its plant discharge which allegedly included a toxic substance. The substance is alleged to have contained certain carcinogens to which the Plaintiff here and the Plaintiffs in companion cases were exposed. The exposure is alleged to have caused certain identifiable types of brain cancers in these plaintiffs and one case of liver cancer.

Plaintiff alleges and offers expert evidence from assorted disciplines which support the theory that the toxic substance was transported by air and underground water mechanisms to an area generally south of the plant which produced the discharge. The area in the shadow of the exposure is the residential community known as McCullom Lake Village. The Village is a marginal subset both in geographical size and population of McHenry County (County) Illinois, and of the postal zip code area identified as 60050. Both the County and zip code area encompasses a much larger geographical area and a much greater population than the Village. These larger areas

are not alleged to be in the same exposure zone as the Village as alleged by Plaintiff and not the recipient of the toxic substance as alleged by Plaintiff and ostensibly supported by his expert evidence.

The studies<sup>1</sup> referenced in Plaintiff's Motion are of the larger geographic and population areas and do not attempt to discretely address the pattern of brain cancer represented in the significantly smaller subset which is the Village.

Therefore, these analyses or studies are irrelevant to the issues before this Court, and can only serve as a source of confusion and misdirection and would be highly prejudicial to Plaintiff, as such might suggest a rate of incidence of brain cancer of a population which is materially different than the discrete community of the Village alleged to be in the defined exposure zone.

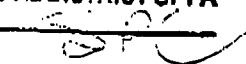
Therefore, considering the above and the Record as a whole, NOW, this 12<sup>th</sup> day of May, 2010, upon consideration of Plaintiff's Motion in Limine to Preclude Reference to or Evidence of any Epidemiology Studies or Analyses performed by the McHenry County Department of Health, the Illinois Department of Health or the Centers for Disease Control, and any response thereto, it is hereby Ordered that the Motion is GRANTED.

BY THE COURT:

  
ALLAN L. TERESHKO, J.

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PURSUANT TO Pa.R.C.P. 236(b)

MAY 12 2010

FIRST JUDICIAL DISTRICT OF PA  
USER I.D.: 

cc:  
Counsel  
Aaron Freiwald  
Dennis R. Suplee/Ralph G. Wellington

Braham Vs Rohm&Haas Co -ORDER



1. The issues of the legal competence of these studies bases, other than discussed herein, is not decided herein because of the instant decision concluding that they are irrelevant to the issues otherwise before this Court.