IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.	:	CIVIL ACTION
	:	NO. 08-3830
v.	:	
	:	
MJC AMERICA, LTD.	:	
d/b/a SOLEUS INTERNATIONAL, INC.	:	
	:	

ORDER

AND NOW, this 4th day of January, 2012, upon consideration of QVC's motion to exclude certain opinion testimony of Soleus' expert Harry Ehrlich and Soleus' response to the QVC's motion, and consistent with the accompanying memorandum of law, it is ORDERED that QVC's motion is GRANTED IN PART and DENIED IN PART as follows:

(1) QVC's motion is DENIED to the extent that QVC seeks preclude in its entirety Ehrlich's testimony with respect to the recall of the heaters. Consistent with the accompanying memorandum of law, Ehrlich may testify with respect to the design flaws, crimping errors and their implications for subsequent product defect investigations.

(1) QVC's motion is GRANTED:

(a) to the extent that QVC seeks to preclude Ehrlich's opinion as to whether QVC's decision to recall all of the Heaters as defective was supported from a quality control perspective;

(b) to the extent that QVC seeks to preclude Ehrlich's conclusions that QVC's recall decision had no basis, was arbitrary, not justified, or not substantiated or that QVC

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lacked a right to issue a recall;

(c) to the extent that QVC seeks to preclude Ehrlich's testimony as to his conclusion that "QVC's letters to the CPSC confirm that their recall does not comport with the CPSC's requirements for a product safety recall"; and

(d) to the extent that it seeks to exclude opinions from Ehrlich that purport to be based on statistical analysis.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.