## Superior Court of the State of Delaware

Jan R. Jurden Judge New Castle County Courthouse 500 North King Street, Suite 10400 Wilmington, Delaware 19801-3733 Telephone (302) 255-0665

## February 12, 2014

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RE: Aundre Michael Anderson by his Natural Mother and Next Friend, Cantana Anderson, and Cantana Anderson, Individually

v.

ATMI, Inc., Advanced Technology Materials, Inc., Epitronics Corporation, IR EPI Services, Inc., International Rectifier Corporation C.A. No. 10C-07-271-JRJ

## Dear Counsel:

The Court has carefully reviewed the parties' extensive briefing and exhibits relating to the Motion to Exclude the Testimony of Dr. Robert Herrick, ScD, CIH. Given the looming trial date, the Court will not be issuing a lengthy opinion; this letter will have to suffice. After careful review, the Court concludes that Dr. Herrick is qualified as an expert in occupational exposure assessment and reconstruction as a result of his knowledge, skill, experience, training and education. The Court finds that Dr. Herrick's proffered testimony is based upon sufficient facts and data, is the product of reliable principles and methods, and he has applied those principles and methods reliably to the facts of this case. The Court is satisfied that Dr. Herrick's opinions

<sup>&</sup>lt;sup>1</sup> See Delaware Rule of Evidence 702.

pass muster under Delaware Rule of Evidence of 702 and *Daubert*.<sup>2</sup> Because the Court finds that the opinions set forth in Dr. Herrick's Affidavit dated October 29, 2013 are both relevant and reliable, the Defendants' Motion to Exclude is **DENIED**.

## IT IS SO ORDERED.

Very truly yours,

Jan R. Jurden Judge

JRJ:mls

cc: Hon. Eric M. Davis

Prothonotary

<sup>&</sup>lt;sup>2</sup> Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993). See Tumlinson v. Adv. Micro Devices, Inc., 81 A.3d 1264, 1268-69 (Del. 2013).