

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

LAVINIA JOHNSON, )  
 ) C.A. No. K12C-10-038 RBY  
 Plaintiff, )  
 )  
 v. )  
 )  
 JOANNE HENNING, )  
 )  
 Defendant. )

**ORDER**

In reference to Defendant’s Motions in Limine, I cannot determine from the January 13, 2014 e-mail cover whether or not “Dr. Robinson’s note” would be sufficient to carry Plaintiff’s initial burden as to the need for and causal relationship of a second knee surgery. Hence, Defendant’s Motion regarding Dr. Robinson’s opinion will await trial, unless we can determine that at the December 10, 2014 pre-trial.

As to the economic testimony of Dr. Tannian, as noted in paragraph 6 of Plaintiff’s Response, the claim for future wage loss is withdrawn as a claim. Relative to the claim of \$27,004.00 for future medical expenses, the amount may, indeed, be modest given anticipations. However, there is no medical support presently established to provide any basis for an economic evaluation. The economist may take numbers opined by the physician and analyze them for present value, cost projections, life expectancy and so forth. However, he cannot create the original numbers from his imagination.

Accordingly, Defendant’s Motion to preclude the testimony of Dr. Tannian is

*Johnson v. Henning*  
*C.A. No. K12C-10-038 RBY*  
*December 8, 2014*

**GRANTED.**

**SO ORDERED** this 8<sup>th</sup> day of December, 2014.

/s/ Robert B. Young

J.

RBY/lmc

*Via File & ServeXpress*

oc: Prothonotary

cc: Counsel

Opinion Distribution

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