

## Colleen Hennessey's Daubert Win Affirmed by Nebraska Supreme Court

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### Related Practices

Product Liability & Mass Tort

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On May 18, 2018, the Supreme Court of Nebraska affirmed the trial court's case-ending exclusion of a plaintiff's general causation expert, which was secured by Colleen Hennessey in 2017. Writing on behalf of a unanimous seven judge panel, Judge Cassel of the Nebraska Supreme Court drew from testimony elicited during Ms. Hennessey's cross examination of the expert to find that the expert's methodology did "not meet the standard of intellectual rigor required of expert witnesses," because it involved "cherry picking studies from an overwhelmingly contrary body of literature without valid, supporting reasons for why the other studies were disregarded." The Court also affirmed the entry of summary judgment in favor of Ms. Hennessey's client because without the testimony of the general causation expert, the plaintiff could not establish causation. This ruling reinforces the Court's gatekeeping function in Nebraska under both *Daubert* and Nebraska common law.