

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
CIVIL DIVISION

KATHLEEN CAIN,

Plaintiff,

CASE NO. 51-2015-CA-002256WS/H

vs.

TODD SMITH and STATE
FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

_____ /

ORDER

THIS CAUSE having come on to be heard on Defendant, TODD SMITH'S *Daubert* Motion to Exclude or Limit Testimony regarding Stem Cell Injections pursuant to the Court's previously entered Order on August 31, 2016 granting Plaintiff's Motion to Bifurcate the Hearing on Defendant's *Daubert* Motion, with the parties represented by counsel, the Court hearing argument, reviewing the Court file, with the Court doing its own research on stem cell therapy, and otherwise being duly advised in the premises, it is

ORDERED AND ADJUDGED that as to the sole issue for determination at the hearing regarding the applicability of the *Daubert* standard, the Court finds that stem cell procedures are widely practiced, well known and generally accepted in the scientific community, and have been subject to peer review and the theory and methodology can and has been tested. It is

FURTHER ORDERED AND ADJUDGED that Dr. Hayes will be allowed to testify at trial regarding stem cell therapy and procedures performed on the Plaintiff as well as any related billings. It is

FINALLY ORDERED AND ADJUDGED that this Order will not prevent the Defendants' challenging Dr. Hayes testimony in regard to his explanation of stem cell therapy through appropriate cross-examination of Dr. Hayes.

DONE AND ORDERED in New Port Richey, Pasco County, Florida, this ____ day of February, 2017.

ORIGINAL SIGNED

FEB 06 2017

DECLAN P. MANSFIELD
CIRCUIT COURT JUDGE

DECLAN P. MANSFIELD
CIRCUIT JUDGE

Copies to:

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