

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**IN RE: BIOZORB DEVICE PRODUCTS  
LIABILITY LITIGATION**

**Case No. 1:22-cv-11895-ADB**

*This Document Relates to: Plaintiff Beth Deuel in Case No. 1:23-cv-10579; Plaintiffs Cynthia Kresch and Kimberly Taylor in Case No. 1:23-cv-10260; and Plaintiff Pamela Gibson in Case No. 1:23-cv-10599*

**DEFENDANT HOLOGIC, INC.'S MOTION TO EXCLUDE  
EXPERT TESTIMONY OF DR. STAN V. SMITH**

**ORAL ARGUMENT REQUESTED**

Pursuant to Local Rule 7.1, Rule 702 of the Federal Rules of Evidence, and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), Defendant Hologic, Inc. (“Hologic”) hereby moves the Court for an order excluding the testimony of Plaintiffs’ expert witness Dr. Stan V. Smith. As grounds for this motion, Hologic states the following:

***First***, the Court should exclude Dr. Smith’s proffered hedonic damages opinions and “loss of household services” opinions, which fail to account for Plaintiffs’ actual circumstances, because they are based on the same flawed methodology that courts across the country have repeatedly held to be unreliable and inadmissible.

***Second***, the reasons that every court to consider Dr. Smith’s purported punitive damages “methodology” has rejected it apply here with equal force: this “methodology” improperly invades the province of the jury, is devoid of any reliable basis, does not aid the trier of fact, and is unfairly prejudicial to Hologic. The Court should accordingly exclude this opinion as well.

The grounds for this Motion are set forth more fully in the accompanying Memorandum. In accordance with L.R. 7.1(a)(2), Hologic's counsel met and conferred with Plaintiffs' counsel prior to filing this Motion, but was unable to resolve or narrow the dispute.

Respectfully submitted,

June 6, 2025

HOLOGIC, INC.,  
By its attorney,

/s/ Daniel P. Tighe

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**LOCAL RULE 7.1 CERTIFICATION**

In accordance with the requirements of Local Rule 7.1(a)(2), I hereby certify that counsel for the Defendant conferred with Plaintiffs' counsel regarding this motion, but was not able to reach any agreement on this motion.

/s/ Daniel P. Tighe  
Daniel P. Tighe

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on June 6, 2025.

/s/ Pietro A. Conte  
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