

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: BIOZORB DEVICE PRODUCTS
LIABILITY LITIGATION

This Document Relates to: Kimberly Taylor
in Case No. 1:23-cv-10260

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

**PLAINTIFF'S OMNIBUS MOTION IN LIMINE TO EXCLUDE IRRELEVANT,
PREJUDICIAL, OR OTHERWISE INADMISSIBLE TESTIMONY AND EVIDENCE**

Plaintiff, Kimberly Taylor, by and through undersigned counsel, respectfully moves this Court for an order prohibiting the Defendant, its counsel, witnesses, and any person acting on its behalf from making reference to, introducing evidence of, or otherwise presenting before the jury any testimony, documents, argument, or comment regarding the matters set forth below—whether during voir dire, opening statements, witness examination (live or via deposition), objections before the jury, introduction of exhibits, reading from pleadings, or closing argument—unless and until the Court has first ruled outside the presence of the jury on the admissibility of such matters.

This Motion is brought pursuant to Fed. Rs. Evid. 104, 402, 403, 404, 802, and 37(c) of the Federal Rules of Evidence and Civil Procedure. As grounds, Plaintiff states that the referenced categories of evidence and argument are inadmissible because they are irrelevant, unduly prejudicial, misleading, constitute improper opinion or hearsay, violate discovery rules, or are otherwise impermissible under the governing rules and case law. Introduction of such matters would unfairly prejudice Plaintiff and interfere

with the jury's ability to determine the issues in this case based solely on competent, relevant evidence.

Accordingly, Plaintiff respectfully requests that the Court enter an order granting the relief requested as follows:

1. The Court should exclude testimony from lay witnesses, other than the plaintiff, concerning Ms. Taylor's reasons for undergoing bilateral mastectomy.
2. The Court should exclude testimony by any witness concerning the witnesses' personal use or recommendation that family should/could have BioZorb implanted.
3. The Court should exclude documents or testimony relating to undisclosed feasibility studies and undisclosed Hologic remediation of FDA identified issues.
4. The Court should exclude Hologic from using the 510K process or European Union approval process to imply or seek to prove the safety and efficacy of the device.
5. The Court should exclude testimony and evidence concerning pre-acquisition FDA inspections.
6. The Court should exclude testimony or evidence concerning other products, general "good acts" or "good reputation" and audits or certificates not related to the BioZorb device.
7. The Court should exclude Hologic from making comments or entering evidence regarding tort reform or making comments that are critical of the judicial process, plaintiff lawyers, injury lawyers, or lawsuits outside of voir dire or any mention of attorney advertising driving the litigation.
8. The Court should exclude evidence or testimony regarding treating physicians not attributing BioZorb to be a cause of the injury. (Testimony from treating physicians did not attribute injury to BioZorb)

9. The Court should exclude Hologic from presenting inference, testimony or evidence of the Plaintiff's financial position.

A supporting Memorandum of Law in Support of Plaintiff's Omnibus Motion in Limine is filed herewith and incorporated by reference, setting forth the specific legal grounds, evidentiary rules, and authorities in support of each request.

Plaintiff respectfully requests that this Court grant the relief sought and issue an order precluding Defendant from referencing or introducing any of the foregoing matters for the reasons stated in Plaintiff's accompanying memorandum.

Dated: July 18, 2025

Respectfully submitted,

s/Christina D. Crow

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Local Rule 7.1 Certificate

Plaintiffs' counsel hereby certify pursuant to Local Rule 7.1(a)(2) that Plaintiffs' counsel conferred with counsel for the Defendant before filing the foregoing motion in an attempt in good faith to resolve or narrow the issues raised in this motion and supporting memorandum. Defendant opposes the relief requested in this motion.

s/Christina D. Crow
Christina D. Crow (admitted *pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants, and a copy of the foregoing has been served upon the following parties on July 18, 2025 via electronic mail as follows:

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