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Chris Daniel - District Clerk
Harris County
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By: Charleta Johnson

CAUSE NO. 2009-73894

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SUGAR CREEK INTERIORS, INC. § IN THE DISTRICT COURT
VS. § HARRIS COUNTY, TEXAS
AQUARIUM DESIGN GROUP, L.L.C. § 234TH JUDICIAL DISTRICT

ORDER

On this date the Court considered Defendants' Second Motion to Exclude the Testimony of Dennis Hooper, M.D. The Court having considered the Motion, the response of Plaintiff/Intervenors, finds that Plaintiff/Intervenors failed to timely supplement their Response to Defendants' written discovery to disclose documents in seven-three ringed binders and raw data which Plaintiff/Intervenors assert validates RealTime Laboratories' testing methods to detect mycotoxins in urine specimens.

The Court further finds that Plaintiff/Intervenors have not shown good cause for failure to timely supplement the discovery response and failed to show that the failure to timely make the discovery response will not unfairly surprise or unfairly prejudice the Defendants. It is, accordingly,

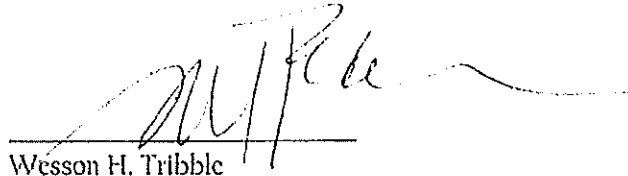
ORDERED that Plaintiff/Intervenors may not present Dennis Hooper, M.D. or any other witness to testify that the testing methods and procedures used by RealTime Laboratories to detect mycotoxins in urine specimens is scientifically validated.

SIGNED on this 4TH day of November, 2013.


JUDGE PRESIDING

APPROVED:

TRIBBLE & ROSS



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