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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK
NWAUZOR, et al.,

 Plaintiffs,

 v.

THE GEO GROUP, INC.,

 Defendant.

CASE NO. C17-5769 RJB

ORDER DENYING DEFENDANT
THE GEO GROUP, INC.’S
MOTION TO EXCLUDE EXPERT
TESTIMONY OF JEFFREY
MUNSON

This matter comes before the Court on the above-referenced motion (Dkt. 217) The Court is familiar with the records and files herein and all documents filed in support of and in opposition to the motion, including the report of Dr. Munson (*see* Dkt. 218-2). For the reasons stated herein, the motion should be denied.

Dr. Munson’s proposed testimony, as reflected in his report, barely qualifies as expert testimony. He has been asked to use his computer skills to make mathematical calculations based on assumptions provided to him by counsel. Although the word “damages” is used in Dr. Munson’s report, he cannot testify, as an expert or otherwise, as to what the classes’ damages

1 are. He can only testify as to the results of mathematical computations based on assumptions
2 supported by evidence.

3 Dr. Munson appears qualified to report on his calculations based on the use of computer
4 programs. Whether his calculations are supported by evidence and are the proper assumptions to
5 use will depend on the evidence presented at trial. It appears to the Court that his testimony is
6 the kind of specialized knowledge that will assist the trier of fact to determine a fact in issue, and
7 that the questions of whether the testimony is based upon sufficient facts or data, whether the
8 testimony is a product of reliable methods, and whether Dr. Munson has reliably applied his
9 methods to the facts of the case are all issues that should abide the trial.

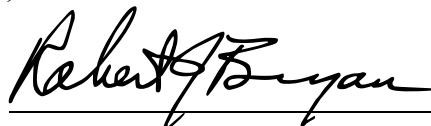
10 It is important to understand that Dr. Munson's job here is mathematical computations
11 rather than independent evidence of what Plaintiffs' damages should be.

12 It is also important to note that the first portion of the trial involving whether the
13 Minimum Wage Act applies to the class members will not include testimony regarding damages
14 and the issue of Dr. Munson's testimony will only come up if there is a verdict favorable to
15 Plaintiffs on the Minimum Wage Act application.

16 For the foregoing reasons, the Defendant The GEO Group, Inc.'s Motion to Exclude
17 Expert Testimony of Jeffrey Munson (Dkt. 217) is DENIED.

18 The Clerk is directed to send copies of this Order to all counsel of record and to any party
19 appearing *pro se* at said party's last known address.

20 Dated this 24th day of January, 2020.

21 

22 ROBERT J. BRYAN
23 United States District Judge
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