

The Court took up FedEx's motion to substitute at a hearing on February 15, 2018, but carried the motion after both sides agreed that further medical input was needed before the Court could make a fully informed decision as to whether or not Hohberger would be able to remain as an expert for FedEx at the current trial setting in May of this year. Both Plaintiff and Defendants agreed, at such hearing, that an appointment, by the Court, of an independent party to facilitate such additional information would be proper and helpful. (Dkt. No. 304 at 22:20–23:20, 23:21–22, 24:21–23.)

At the hearing, while the Court talked in terms of appointing another physician for this purpose, the Court now believes that a different approach is warranted. Considering that Dr. Gil is an eminently qualified neurologist who is reasonably accessible to Hohberger in the Chicago area, the Court has concluded that an experienced non-physician liaison is appropriate to facilitate further informational development in this matter and that appointment of a non-physician liaison is preferable to appointing a different neurologist.

It is therefore **ORDERED** that Wm. Stephen Boyd of Dallas, Texas be and he is appointed special liaison for the Court. Mr. Boyd is the recently retired Chief Legal Officer of the Baylor Scott & White Health Care System. He is also an experienced trial lawyer, having been the managing partner of the Dallas office of Hunton & Williams prior to his employment with Baylor Scott & White, and he also has extensive experience communicating with physicians and other medical professionals.

As special liaison in this regard, Mr. Boyd shall gather and report information from Dr. Gil, and all other available, material sources, regarding Hohberger's ability to recover and testify in May, or some other future date. Mr. Boyd shall issue a written letter report as soon as practical and shall serve the same under seal on the Court and all record counsel for the Parties. He may

also incur and recover necessary expenses and obtain reasonable compensation, such to be paid by the Parties and awarded pursuant to subsequent order of the Court.

It is further **ORDERED** that the Motion shall remain **CARRIED**.

So ORDERED and SIGNED this 26th day of February, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE