

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

ALTHEA C. BEATRICE,	:	
Plaintiff,	:	
	:	
v.	:	No. 04-01,709
	:	CIVIL ACTION
JAMES BEATRICE,	:	
Defendant	:	

ORDER

AND NOW, this _____ day of September 2006, the Court hereby DENIES the Defendant's July 14, 2006 Motion for Partial Summary Judgment/Motion to Exclude Expert Testimony. Although the Defendant correctly notes that, under *Frye v. United States*, 54 App. D.C. 46; 293 F. 1013 (D.C. Cir. 1923), the proponent of expert evidence must show that the *methodology* the expert utilized in formulating his/her opinions is generally accepted by the scientists in the relevant field as a method for arriving at said opinion, in 2003, the Supreme Court of Pennsylvania explained that "[t]his does not mean, however, that the proponent [of expert evidence] must prove that the scientific community has also generally accepted the expert's *conclusion*, *Grady v. Frito-Lay, Inc.*, 576 Pa. 546, 558, 839 A.2d 1038, 1045 (Pa. 2003).

By the Court,

Nancy L. Butts, Judge

xc: Thomas Waffenschmidt, Esq.
Darryl R. Wishard, Esq.