

expertise, Ingevity should, if it matters, object. Ingevity argues that he too will apply incorrect legal standards. Ingevity bases this mostly on deposition testimony that demonstrated that Mr. Lyons is not a legal scholar. I do not think the fact that he cannot explain legal concepts is particularly relevant to whether or not his testimony should be admitted. In any event, if at trial he attempts to testify about legal concepts, Ingevity should object at that time.

Ingevity's motion to exclude portions or all of the two experts' testimony on the basis of *Daubert* (D.I. 291 at 2) is DENIED without prejudice to making any relevant objections to trial testimony. The summary judgment issues raised by the motion will be addressed separately.

IT IS SO ORDERED this 21st day of October 2020.

/s/ Richard G. Andrews
United States District Judge