

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

BRIAN OEDEKOVEN,	)	
	)	No. CVCV170280
Plaintiff,	)	
	)	DEFENDANT FORD MOTOR
v.	)	COMPANY'S RESISTANCE TO
	)	PLAINTIFF'S MOTION TO STRIKE
FORD MOTOR COMPANY,	)	EXPERT WITNESS
	)	
Defendant.	)	

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COMES NOW the Defendant, Ford Motor Company, and for its resistance to Plaintiff's Motion to Strike Expert Witness states:

Iowa R. Evid. 5.702 provides:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise.

Iowa courts are committed to a liberal view on the admissibility of expert testimony. See *Leaf v. Goodyear Tire & Rubber Co.*, 590 N.W.2d 525, 532 (1999) (citing court's history of maintaining liberal view on admissibility). The test that Iowa courts apply for admissibility of expert testimony has two preliminary areas of judicial inquiry. First, the court must determine if the testimony will assist the trier of fact in understanding the evidence or to determine a fact in issue. Iowa R. Evid. 5.702. "This preliminary determination not only requires the court to consider the existence of a reliable body of "scientific, technical, or other specialized knowledge," but it also requires the court to ensure the evidence is relevant in assisting the trier of fact." See *Johnson v. Knoxville Cmty. Sch. Dist.*, 570 N.W.2d 633, 637 (Iowa 1997) (stating that, to be relevant, the evidence must be reliable, and reliability is an implicit requirement of admissibility under Iowa Rule of Evidence 5.702 because "unreliable testimony cannot assist the

trier of fact”); see also *Bonner v. ISP Techs., Inc.*, 259 F.3d 924, 929 (8th Cir.2001) (“The rule’s concern with ‘scientific knowledge’ is a reliability requirement, while the requirement that the evidence ‘assist the trier of fact to understand the evidence or determine a fact in issue’ is a relevance requirement.”).

Second, the court must determine if the witness is qualified to testify “as an expert by knowledge, skill, experience, training, or education.” Iowa R. Evid. 5.702. All expert witnesses must be qualified in the area of their testimony based on one of the five areas of qualification. Yet, a particular degree or type of education is not needed. *Leaf*, 590 N.W.2d at 535. Moreover, an expert does not need to be a specialist in the area of the testimony as long as the testimony is within the general area of expertise of the witness. *Mensink v. Am. Grain*, 564 N.W.2d 376, 379 (Iowa 1997); *Ranes v. Adams Labs., Inc.*, 778 N.W.2d 677, 685 (Iowa 2010)

The defendant timely designated Jeffrey Boales as its expert witness in this case. Mr. Boales title with Ford Motor Company is Field Service Engineer. As his title indicates, he is trained by Ford Motor Company to diagnose, analyze and assist with repairs of vehicles in the field, including the Ford F-150 truck at issue in this case. His Ford certifications are identified in Defendant’s Exhibit O. Any concerns that plaintiff may have related to plaintiff’s knowledge, experience, training and education all go to the weight of his opinions and not their admissibility.

Mr. Boales inspected the plaintiff’s vehicle and reviewed the scale ticket provided by plaintiff, the owner’s manual and the publicly available information provided by the manufacturer of the 5<sup>th</sup> wheel. This information, all available to the plaintiff, plainly shows that the plaintiff was exceeding the Gross Vehicle Weight Rating while pulling the 5<sup>th</sup> wheel. Mr. Boales opinion is relevant to the defendant’s affirmative defense and will assist the trier of fact in making a determination on that issue. Plaintiff’s motion is without merit and should be denied.

GREFE & SIDNEY, P.L.C.,

/s/ Laura N. Martino

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**ATTORNEY FOR DEFENDANT  
FORD MOTOR COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2017, I electronically filed the foregoing with the Clerk of Court using the Iowa Courts E-file system which will send notification of such filing to the following:

R Scott Rhinehart  
2000 Leach Ave  
Sioux City, IA 51106

/s/ Laura N. Martino