

“...Daubert applies, Daubert is satisfied.”

Judge Clay Cambell, 2nd Judicial District, State of New Mexico

1 SECOND JUDICIAL DISTRICT COURT
2 COUNTY OF BERNALILLO
3 STATE OF NEW MEXICO

4 D-202-CV-2009-15455

5 STEPHAN CORDOVA,

6 Plaintiff,

7 vs.

8 THE CITY OF ALBUQUERQUE,

9 Defendant.

10 TRANSCRIPT OF PROCEEDINGS

11 on the 29th day of September, 2011, at approximately
12 1:34 p.m., this matter came on for hearing on DEFENDANT'S
13 MOTION TO AFFIRMATIVELY ADMIT LEICA SCANSTATION EVIDENCE
14 AND RELATED EXPERT TESTIMONY, before the HONORABLE
15 CLAY CAMPBELL, Division XII, Judge of the Second Judicial
16 District, State of New Mexico.

MR. GREENWOOD: Right. So you're talking --

THE COURT: Wait, wait, wait. -- see what the evidence is; and then, if you guys want to make sort of an oral motion in limine, we can go from there.

But I don't think that I need -- I personally do not think I need testimony. I think that I'm perfectly comfortable ruling on the -- on the motion as it's been presented that, under *Tollardo*, this implicates science, that the methodology that supports this particular evidence is subject to a scientific analysis under the *Tollardo* case and some other cases, I mean, ultimately then saying that's it's subject to the analysis of *Alberico*, and then further saying that, based on the pleadings themselves and the record that's been presented to me, this satisfies the stringent scientific analysis test that's required under *Alberico* and *Tollardo*. At that point, it's sort of -- let's move on and have the -- if the plaintiffs want to file an oral motion in limine, that's fine, but I'm prepared to rule that *Daubert* applies, *Daubert* is satisfied.