

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DUBLINER, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-10567-RGS
)	
EAST COAST TAVERN GROUP, INC. and INISHOWEN, INC.,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	

**PLAINTIFF’S MOTION TO EXCLUDE CERTAIN OPINIONS OF DEFENDANTS’
DAMAGES EXPERT DOUG BANIA**

Plaintiff Dubliner, Inc. (“Plaintiff”) hereby moves pursuant to Federal Rule of Evidence 702 and *Daubert* to exclude certain portions of Defendants’ damages expert Doug Bania. Mr. Bania issued a rebuttal expert report on February 24, 2025 that purports to respond to Plaintiff’s experts W. Todd Schoettelkotte and Dr. Lilly Jan. Plaintiff specifically seeks to exclude Mr. Bania’s opinion regarding whether a likelihood of confusion exists in this case. Mr. Bania has no “scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence” as it relates to a likelihood of confusion. Moreover, even if Mr. Bania was qualified—which he is not—Mr. Bania’s opinions far exceed the proper scope of “rebuttal” expert testimony. Accordingly, Plaintiff seeks to exclude Mr. Bania’s opinions as they appear in paragraphs 30-87 of his report and any related testimony.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff’s Motion to Exclude Certain Opinions of Defendants’ Damages Expert Doug Bania.

Dated: April 7, 2025

Respectfully submitted,

DUBLINER, INC.,

By its attorneys,

/s/ Megan M. New

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Motion to Exclude Denied

06/17/2025	123	<p>Judge Richard G. Stearns: ELECTRONIC ORDER entered denying <u>80</u> Motion.</p> <p>The motion is denied. Plaintiff does not challenge the methodology employed by Mr. Bania or its reliability but instead disputes whether Mr. Bania is qualified to offer the proposed expert testimony. Based on his testimony during the hearing before this court on June 17, 2025, the court finds that Mr. Bania does have the requisite expertise. What weight to attribute to that testimony given plaintiff's perceived weaknesses in his credentials, however, is a question for the jury to determine. (RGS, law3) (Entered: 06/17/2025)</p>
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