

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ANTON K. SAMAAAN, )  
 )  
 Plaintiff, )  
 )  
 v. ) CV-09-656-B-W  
 )  
 ST. JOSEPH HOSPITAL, et al., )  
 )  
 )  
 Defendants. )

**ORDER DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

On July 2, 2010, David Kaplan, M.D. moved for summary judgment against the malpractice claim of Anton Samaan. *Def. David Kaplan, M.D.’s Mot. for Summ. J.* (Docket # 24). On July 27, 2010, St. Joseph Hospital joined in Dr. Kaplan’s motion. *Def. St. Joseph Hospital’s Mot. for Summ. J.* (Docket # 29). On July 30, 2010, Mr. Samaan responded. *Pl.’s Mem. in Opp’n to Def. Kaplan’s Mot. for Summ. J.* (Docket # 33). On August 27, 2010, Dr. Kaplan replied. *Def. David Kaplan, M.D.’s Reply to the Pl.’s Mem. in Opp’n. to Dr. Kaplan’s Mot. for Summ. J.* (Docket # 40).

The motions for summary judgment are premised on the assumption that Mr. Samaan will not be allowed to present expert testimony that it is more likely than not that Dr. Kaplan’s failure to administer t-PA caused harm to Mr. Samaan. As the Court has separately addressed and denied Dr. Kaplan’s motion *in limine* to exclude the testimony of Dr. Ravi Tikoo on the issue of causation, Dr. Kaplan’s dispositive motion must share the same fate.

The Court DENIES Defendant David Kaplan, M.D.'s Motion for Summary Judgment (Docket # 24) and Defendant St. Joseph Hospital's Motion for Summary Judgment (Docket # 29).

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 14<sup>th</sup> day of October, 2010

**Plaintiff**

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V.

**Defendant**

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**Defendant**

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