

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KATHLEEN MOLLER,

Plaintiff,

v.

MARTIAN SALES, INC.; JOPEN,
LLC; JOHNSON FOODS, LLC; LP
IND., LLC; CAG HOLDINGS, LLC;
RMH HOLDINGS, LLC; ABC
INSURANCE COMPANY and John
Does 1-4,

Defendants.

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CIVIL ACTION NO.

2:24-CV-228-WBV-DPC

THE HONORABLE WENDY B. VITTER

MAGISTRATE JUDGE DONNA PHILLIPS
CURRAULT

**DEFENDANT’S RULE 37(c)(1) MOTION TO PRECLUDE PLAINTIFF FROM
RELYING ON CERTAIN EVIDENCE**

NOW INTO COURT, through undersigned counsel, comes Defendant JOpen, LLC, who moves this Court for an Order, pursuant to FRCP 37(c)(1), precluding Plaintiff from using, in a motion, at a hearing, or at trial, information related to Dr. Thundiyil’s study on causes of death related to mitragynine, all as for good cause and as fully shown in the Memorandum in Support, attached hereto.

WHEREFORE, Defendant respectfully requests an Order be issued by this Court to grant its Motion to Exclude.

Dated this 3rd day of February, 2026.

Respectfully Submitted

By: /s/ Gwendolyn C. Payton

Gwendolyn C. Payton (*pro hac vice*)

Hayley R. Ambler

Louisiana State Bar No. 25848

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of February, 2026, a copy of the foregoing document was filed with the Clerk of Court and served on all counsel of record via the Court's ECF System.

/s/ Gwendolyn C. Payton

Gwendolyn C. Payton