

the other hand, defendant is obviously correct in noting that statements by a witness to the effect that another employee reported having heard such statements would be inadmissible. If the statement was made, it must be established by someone who heard the statement made, not by a witness merely reporting what some other employee allegedly reported.

To the extent of the information now available to the Court, I am not prepared to hold that expressions of possible age bias in 2003 would be inadmissible merely because plaintiffs' firings did not occur until 2005.

Apparently, it is the contention of the defendant that some of plaintiffs' proposed evidence, including expert testimony, should be excluded merely because it is not convincing or unopposed. Obviously, that is a matter to be sorted out at trial, not in advance of trial. An Order follows.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

