



**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**IN AND FOR NEW CASTLE COUNTY**

Douglas J. McClure,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06C-12-235 CLS
	)	
Catholic Diocese of	)	
Wilmington, Inc., et al.,	)	
	)	
Defendants.	)	

**ORDER**

**AND NOW, TO WIT**, upon consideration of Defendants' Joint Motion *In Limine* to Preclude the Testimony of Carol A. Tavani, M.D.<sup>1</sup> and Plaintiff's response in opposition,<sup>2</sup> the Court finds that Tavani's expert testimony is admissible. Plaintiff claims that he repressed memories of abuse that occurred over 50 fifty years ago. He intends to introduce testimony from Dr. Tavani to support his position. The Court is satisfied that the concept of repressed memory/traumatic amnesia is generally

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<sup>1</sup> Docket Item ("D.I.") 322.

<sup>2</sup> D.I. 387.

accepted in psychiatry and its existence is set out in the DSM-IV-TR.<sup>3</sup> The error rate of false memories is within the normal scientific margin of error.<sup>4</sup> The Court is satisfied that sufficient medical and scientific support exists for the admission of testimony regarding repressed memory/traumatic amnesia under D.R.E. 702 and *Daubert*.

Defendants have acknowledged that the theory of repressed memory/traumatic amnesia is highly controversial.<sup>5</sup> The Court has allowed the testimony of Defense Expert Elizabeth F. Loftus, Ph.D in support of Defendants' argument that Plaintiff did not suffer from traumatic amnesia. The Court will allow the testimony of Plaintiff's Expert in support of his argument that he did. The conflict of evidence will be decided by the jury. Accordingly, Defendants' motion is **DENIED**.

**IT IS HEREBY ORDERED.**

**/s/ Calvin L. Scott**  
Judge Calvin L. Scott, Jr.

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<sup>3</sup> DSM-IV-TR has been represented to the Court as the "gold standard" for psychiatrists in accepting diagnosis. According to Dr. Tavani, it is a peer reviewed consensus statement of psychiatrists with regard to the existence of various psychiatric conditions and all of the elements thereof. See Tavani Aff. at 2, fn. 1.

<sup>4</sup> Tavani Aff. at 4.

<sup>5</sup> Defs. Jt. Mot. *In Limine* to Preclude the Testimony of Carol A. Tavani, M.D. at 1, D.I. 322.