

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: DELTA/AIRTRAN BAGGAGE
FEE ANTITRUST LITIGATION

CIVIL ACTION FILE NUMBER
1:09-md-2089-TCB

ALL CASES

**PLAINTIFFS' DAUBERT MOTION TO EXCLUDE THE OPINIONS AND
TESTIMONY OF DR. DENNIS W. CARLTON**

Plaintiffs hereby file this Motion to Exclude the Opinions and Testimony of Dr. Dennis W. Carlton. Defendant Delta Air Lines, Inc. ("Delta") has proffered three opinions by Dr. Carlton on legal and factual issues related to the merits. Because these opinions are neither relevant nor reliable, the Court should exclude and decline to consider them.

As discussed in depth in Plaintiffs' supporting memorandum, Dr. Carlton's opinions are not relevant or reliable for several reasons, and the Court should exclude them. First, Dr. Carlton's antitrust policy argument is contrary to law and is not based on reliable methodology. Second, Dr. Carlton's opinion that Delta would have implemented the first bag fee absent collusion is not grounded in the facts of this case and not based on reliable methodology. Third, Dr. Carlton's opinion that it would be uneconomic for Delta and Northwest to maintain separate fee structures immediately after the merger is not based on reliable economic methodology.

For these reasons and as further set forth in Plaintiffs' supporting memorandum, Plaintiffs respectfully request the Court strike the testimony of Delta's proffered expert, Dr. Dennis W. Carlton.

Respectfully submitted,

Dated: November 6, 2015

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CERTIFICATION UNDER L.R. 7.1D

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned counsel hereby certifies that the above and foregoing is a computer document prepared in Times New Roman (14 point) font in accordance with Local Rule 5.1B.

So certified, this 6th day of November, 2015.

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on this day he filed the foregoing with the Clerk of Court and caused the same to be delivered via e-mail to the following attorneys of record:

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So certified, this 6th day of November, 2015.

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