

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

TEAM SCHIERL COMPANIES and
HEARTLAND FARMS, INC., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ASPIRUS, INC. and ASPIRUS NETWORK,
INC.,

Defendants.

Civil Action No. 3:22-cv-00580-jdp

Hon. James D. Peterson, U.S.D.J.

Hon. Anita M. Boor, U.S.M.J.

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MOTION TO EXCLUDE
OPINIONS AND TESTIMONY OF PLAINTIFFS' CLASS CERTIFICATION
AND DAMAGES EXPERT DR. JEFFREY J. LEITZINGER**

Pursuant to Federal Rule of Evidence 702 and 403 and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), Defendants Aspirus, Inc. and Aspirus Network, Inc. respectfully move for an Order excluding Dr. Leitzinger's (1) opinions and testimony based on his yardstick overcharge model, including his opinions on aggregate damages; (2) opinions and testimony with respect to classwide impact; and (3) calculation of damages based on his improper extrapolation. The bases for Defendants' Motion are set forth in the accompanying Memorandum of Law.

[Signatures appear on next page]

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Daniel Conley
Nathan Oesch
QUARLES & BRADY LLP
411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 277-5000
daniel.conley@quarles.com
nathan.oesch@quarles.com

Matthew Splitek
QUARLES & BRADY LLP
33 East Main Street, Suite 900
Madison, Wisconsin 53703
(608) 251-5000
matthew.splitek@quarles.com

Respectfully submitted,

/s/ Zachary M. Johns

Steven A. Reed (*pro hac vice*)
R. Brendan Fee (*pro hac vice*)
Zachary M. Johns (*pro hac vice*)
Vincent C. Papa (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
2222 Market Street
Philadelphia, PA 19103-2921
T: 215-963-5000
F: 215-963-5001
steven.reed@morganlewis.com
brendan.fee@morganlewis.com
zachary.johns@morganlewis.com
vincent.papa@morganlewis.com

Kenneth M. Kliebard (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
110 North Wacker Drive
Chicago, IL 60606-1511
T: 312-324-1000
F: 312-324-1001
kenneth.kliebard@morganlewis.com

Ryan Kantor (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004-2541
T: 202-739-3000
F: 202-739-3001
ryan.kantor@morganlewis.com

*Attorneys for Defendants,
Aspirus, Inc. and Aspirus Network, Inc.*