

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Charles Kaleb Vanlandingham, Administrator for the Estate of
Charles Lamar Vanlandingham v. The City of Oklahoma City, et al.

Vanlandingham · No. CIV-22-209-D · Decided March 18, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma resolves Plaintiff’s motions to exclude and strike the expert testimony of Dr. Molly Furin in a wrongful-death and civil-rights action arising from Charles Lamar Vanlandingham’s death during an EMS response. The court finds Dr. Furin’s supplemental report timely under Federal Rule of Civil Procedure 26(e)(2), but concludes that most of her opinions lack a sufficiently explained basis under Federal Rule of Evidence 702 and Daubert. The court permits her to testify regarding the onset of intramuscular midazolam and its lack of a causative role in the cardiac arrest, excludes the remaining opinions, and denies the motion to strike as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 18, 2026
DOCKET	CIV-22-209-D
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to exclude the opinions of defendant American Medical Response Ambulance Service, Inc.'s expert, Dr. Molly Furin, under Federal Rule of Evidence 702 and Daubert, and separately moved to strike her as an expert witness. The court decided the motions on the briefs without a formal hearing.
STANDARD OF REVIEW	The court applied the Rule 702 and Daubert standard for admissibility of expert testimony, determining whether the expert was qualified and whether the opinions were reliable and relevant to assisting the trier of fact. The proponent of the expert testimony bore the burden of establishing admissibility.

TOPICS

expert testimony

daubert standard

evidence

civil procedure

discovery dispute

PRACTICE AREAS

evidence

civil procedure

civil rights

health law

QUESTIONS PRESENTED

1. Whether Dr. Furin's supplemental expert report was timely under Federal Rule of Civil Procedure 26(e)(2).
2. Whether Dr. Furin's opinions were admissible under Federal Rule of Evidence 702 and Daubert.
3. Whether Dr. Furin should be stricken as an expert witness.

HOLDINGS

1. Dr. Furin's May 20, 2025 supplemental report was timely under Federal Rule of Civil Procedure 26(e)(2) because the deadline for deposition designations, which are among the Rule 26(a)(3) disclosures, had not expired.
2. The portions of Dr. Furin's opinions addressing the propriety of the EMS assessment and restraint, the transition of care, the necessity and appropriateness of sedation, and the quality of ACLS treatment were inadmissible because the reports did not sufficiently identify the bases or reasoning connecting her experience and the case facts to those conclusions.
3. Dr. Furin may testify that, given the brief interval between intramuscular administration of midazolam and the cardiac arrest, the midazolam could not have taken effect before the arrest and therefore had no causative role in it.
4. The motion to strike Dr. Furin as an expert witness was denied as moot because the court resolved the admissibility challenge by excluding the unsupported opinions and permitting the adequately supported midazolam-timing opinion.

KEY QUOTATIONS

"Absent some identification of the basis for the expert opinion, there is little or no way to test it against any of the guidelines or factors involved in a Daubert analysis or to otherwise determine its reliability."

"Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence."

FACTUAL BACKGROUND

Charles Lamar Vanlandingham experienced seizure activity and appeared to enter a postictal state before EMS arrived. Plaintiff alleged that EMS personnel, firefighters, and a police officer restrained him in a prone position

for several minutes, failed to assess his condition adequately, and that an EMT administered intramuscular midazolam before Vanlandingham became limp and died despite CPR efforts. AMRAS's expert, Dr. Molly Furin, offered opinions concerning the EMS response, transfer of care, administration of midazolam, and cardiac-arrest treatment, but her reports generally did not explain the factual or methodological bases for those opinions.

PROCEDURAL HISTORY

In this civil-rights and related liability action arising from Charles Lamar Vanlandingham's death during an EMS response, AMRAS disclosed Dr. Furin as an expert witness. Plaintiff challenged the reliability and basis of her opinions under Rule 702 and Daubert. The court held that most of the opinions lacked an adequately explained basis, but that her opinion concerning the timing and causal effect of intramuscular midazolam was sufficiently supported. The motion to exclude was granted in part and denied in part, and the motion to strike was denied as moot.

DISPOSITION

other

CASES CITED

- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- 103 Investors I, L.P. v. Square D Co., 470 F.3d 985, 990 (10th Cir. 2006)
- Ralston v. Smith & Nephew Richards, Inc., 275 F.3d 965, 969 (10th Cir. 2001)
- United States v. Nacchio, 555 F.3d 1234, 1241 (10th Cir. 2009) (en banc)
- Northstar Mgmt., Inc. v. Vorel, No. CIV-19-260-SLP, 2009 WL 3335596, at *5-6 (W.D. Okla. Nov. 15, 2022)
- Threet v. Corr. Health Care Mgmt. of Okla., Inc., No. CIV-07-943-HE, 2009 WL 3335596, at *4-5 (W.D. Okla. Oct. 15, 2009)
- Gen. Elec. Co. v. Joiner, 522 U.S. 136, 146 (1997)
- United States v. Medina-Copete, 757 F.3d 1092, 1104 (10th Cir. 2014)