

SUPREME COURT OF THE UNITED STATES

GENERAL ELECTRIC CO. et al. v. JOINER et ux.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT

No. 96—188. Argued October 14, 1997—Decided December 15, 1997

After he was diagnosed with small-cell lung cancer, respondent Joiner sued in Georgia state court, alleging, *inter alia*, that his disease was “promoted” by his workplace exposure to chemical “PCBs” and derivative “furans” and “dioxins” that were manufactured by, or present in materials manufactured by, petitioners. Petitioners removed the case to federal court and moved for summary judgment. Joiner responded with the depositions of expert witnesses, who testified that PCBs, furans, and dioxins can promote cancer, and opined that Joiner’s exposure to those chemicals was likely responsible for his cancer. The District Court ruled that there was a genuine issue of material fact as to whether Joiner had been exposed to PCBs, but granted summary judgment for petitioners because (1) there was no genuine issue as to whether he had been exposed to furans and dioxins, and (2) his experts’ testimony had failed to show that there was a link between exposure to PCBs and small-cell lung cancer and was therefore inadmissible because it did not rise above “subjective belief or unsupported speculation.” In reversing, the Eleventh Circuit applied “a particularly stringent standard of review” to hold that the District Court had erred in excluding the expert testimony.

Held:

1. Abuse of discretion—the standard ordinarily applicable to review of evidentiary rulings—is the proper standard by which to review a district court’s decision to admit or exclude expert scientific evidence. Contrary to the Eleventh Circuit’s suggestion, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, did not somehow alter this general rule in the context of a district court’s decision to exclude scientific evidence. *Daubert* did not address the appellate review standard for evidentiary rulings at all, but did indicate that, while the Federal Rules of Evidence allow district courts to admit a somewhat broader range of scientific testimony than did pre-existing law, they leave in place the trial judge’s “gatekeeper” role of screening such evidence to ensure that it is not only relevant, but reliable. *Id.*, at 589. A court of appeals applying “abuse of discretion” review to such rulings may not categorically distinguish between rulings allowing expert testimony and rulings which disallow it. Compare *Beech Aircraft Corp. v. Rainey*, [488 U.S. 153](#),

172, with *United States v. Abel*, [469 U.S. 45](#), 54. This Court rejects Joiner's argument that because the granting of summary judgment in this case was "outcome determinative," it should have been subjected to a more searching standard of review. On a summary judgment motion, disputed issues of fact are resolved against the moving party—here, petitioners. But the question of admissibility of expert testimony is not such an issue of fact, and is reviewable under the abuse of discretion standard. In applying an overly "stringent" standard, the Eleventh Circuit failed to give the trial court the deference that is the hallmark of abuse of discretion review. Pp. 4–5.

2. A proper application of the correct standard of review indicates that the District Court did not err in excluding the expert testimony at issue. The animal studies cited by respondent's experts were so dissimilar to the facts presented here—*i.e.*, the studies involved infant mice that developed alveologenic adenomas after highly concentrated, massive doses of PCBs were injected directly into their peritoneums or stomachs, whereas Joiner was an adult human whose small-cell carcinomas allegedly resulted from exposure on a much smaller scale—that it was not an abuse of discretion for the District Court to have rejected the experts' reliance on those studies. Nor did the court abuse its discretion in concluding that the four epidemiological studies on which Joiner relied were not a sufficient basis for the experts' opinions, since the authors of two of those studies ultimately were unwilling to suggest a link between increases in lung cancer and PCB exposure among the workers they examined, the third study involved exposure to a particular type of mineral oil not necessarily relevant here, and the fourth involved exposure to numerous potential carcinogens in addition to PCBs. Nothing in either *Daubert* or the Federal Rules of Evidence requires a district court to admit opinion evidence which is connected to existing data only by the *ipse dixit* of the expert. Pp. 6–9.

3. These conclusions, however, do not dispose of the entire case. The Eleventh Circuit reversed the District Court's conclusion that Joiner had not been exposed to furans and dioxins. Because petitioners did not challenge that determination in their certiorari petition, the question whether exposure to furans and dioxins contributed to Joiner's cancer is still open. Pp. 9–10.

78 F.3d 524, reversed and remanded.

Rehnquist, C. J., delivered the opinion for a unanimous Court with respect to Parts I and II, and the opinion of the Court with respect to Part III, in which O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, and Breyer, JJ., joined. Breyer, J., filed a concurring opinion. Stevens, J., filed an opinion concurring in part and dissenting in part.