



MEGA

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Daubert Meets Google Earth

How satellite technology is transforming the admissibility of scientific evidence — and exposing fraudulent claims in courtrooms across America.

LEGAL TECHNOLOGY

EXPERT TESTIMONY

The Daubert Standard (1993)

In 1993, the Supreme Court established the **Daubert Standard** to determine whether an expert's methodology is valid – preventing "junk science" from entering courtrooms. The burden of proof rests on the proponent of the testimony.



Federal Rule 702 & Expert Testimony

Rule 702 Requirements

Under Federal Rule 702, qualified experts may testify if all four conditions are met:

1. Knowledge assists the trier of fact
2. Testimony is based on sufficient facts or data
3. Product of reliable principles and methods
4. Methods reliably applied to the case facts

Daubert vs. Frye

Federal courts follow Daubert. States vary – most codify Rule 702, but some apply **Frye** (the "general acceptance test"). As of 2013, **nine states** declined Daubert, applying Frye or "Frye-plus" instead. Rule 702 makes no distinction between scientific, technical, or other specialized knowledge.

The Power of a Daubert Challenge

A Daubert challenge seeks to exclude expert testimony as unreliable or irrelevant under Rule 702 – and can be the **deciding factor** in winning or losing a case.



Forms of Challenge

Separate motion, summary judgment, motion in limine, trial objection, or post-trial motion.



Areas of Attack

Expert qualifications, methodology, or the underlying science relied upon.



Key to Success

Focus on **methodology**. Establish relevance and reliability. Outcome: case dismissal or a significantly weakened opposing case.



Google Earth as Scientific Evidence

Officially launched in 2005, Google Earth was the first widely available interactive composite map of the world. During Hurricane Katrina, NOAA and DigitalGlobe satellite imagery revealed the scope of destruction — making critical data publicly available.

Google Earth satisfies the Daubert criteria, qualifying as a reliable scientific tool for "**The Science of Walking Around**" — the systematic inspection of premises to validate or refute claims for replacement services and property-related damages.

CASE STUDY 1

The Trailer Park That Wasn't a Home

The Claim

Under Florida Death Statute §768.21, the surviving spouse claimed over **\$175,000** in replacement services:

- Yard maintenance: \$89,180
- Pool maintenance: \$23,173
- Gardening & repairs: \$30,650
- Other incidentals: \$35,001+

What Google Earth Revealed

For **seven years**, the couple resided in a **rented trailer** inside a trailer park – no pool, no yard, no home to maintain. The satellite imagery proved the claim entirely fabricated.

Result: False claim evaporated.

CASE STUDY 2

The 10,000-Acre Ranch That Wasn't

The Claim

A Florida death case alleged the deceased maintained over **10,000 acres** of operational cattle land, requiring extensive replacement services after his death.

The Reality

Google Earth and a deed review revealed only **613 acres** under farmland designation and **927 total acres** on the property. No operational cattle ranch existed.

Result: Case dismissed.



7 Household Services Fraud Points

Approximately **one in five** civil cases involve fraudulent claims in part. Google Earth directly counters the most common household services fraud scenarios.

01

No Site Visit

Vocational expert alleges yard, pool, and handyman needs without visiting the property.

02

Economist Forecasts

Economist reduces alleged services to present value without independent verification.

03

Google Earth Contradicts

Satellite, street, and side-view images reveal no yard, no pool, minimal need.

04

Inflated Verdicts

Hundreds of thousands in claims lead to exaggerated verdicts without scrutiny.

05

Legal Remedies

Options: Daubert challenge, sanctions, case dismissal, or automatic mistrial if in trial.

06

Injury-Based Claims

Neck, back, and shoulder injuries carry service claims that must be verified by the evaluating physician.

07

No Documentation

Any replacement services claim must be substantiated by receipts, cancelled checks, or credit card proof.

The 5 Most Common Insurance Frauds

Over 7,000 insurance companies collect more than **\$1 trillion** in premiums annually – making the industry a prime fraud target. American families pay an extra **\$400–\$700/year** in premiums due to fraud, totaling **\$40 billion annually**.

False Claims

Accidents staged or work never performed.

Inflated Claims

Common after disasters; e.g., billing for premium materials but using sub-par ones.

Disaster Fraud

Hurricane Katrina: \$6B+ in fraudulent government funds due to overwhelmed investigators.

Fake Deaths

Individuals fake death to collect large insurance payouts.

Agent Fraud

Premium diversion and fee churning by unscrupulous agents.

Qui Tam & the False Claims Act

Whistleblower Incentives

In 1986, Congress amended the False Claims Act under **qui tam** to encourage whistleblowers. If the government prevails, whistleblowers receive **15–30%** of the recovery.

By the Numbers

\$62B

Recovered Since 1986

Total whistleblower-assisted recoveries

633

Qui Tam Suits (FY2019)

Averaging 12+ new cases per week

\$3B

DOJ Recovery (FY2019)

From False Claims Act cases alone

Conclusion: Google Earth Meets the Daubert Challenge

"Absent Google Earth, these two false claim cases may have resulted in entirely different verdicts."

Google Earth satisfies all Daubert criteria as a reliable, peer-reviewed, widely accepted scientific tool. It empowers experts to perform "**The Science of Walking Around**" – objectively inspecting properties and exposing fraudulent claims before they reach a verdict.

Tested & Accepted

Globally validated satellite imagery with documented methodology

Burden of Proof

Satellite evidence meets preponderance standard under Rule 702

Future of Litigation

High-tech tools like Google Earth will define expert testimony going forward



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