

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

<p>CEP MID-CONTINENT LLC,</p>)	
)	
PLAINTIFF,)	
)	
vs.)	CASE No. 09-CV-350-CVE-FHM
)	
TURKEY CREEK, L.L.C.,)	
)	
DEFENDANT.)	

OPINION AND ORDER

Defendant’s Motion for Extension of Expert Witness Deadlines [Dkt. 30] has been referred to the undersigned United States Magistrate Judge for decision. Plaintiff has filed a response [Dkt. 31] and Defendant has filed a reply [Dkt. 33].

Defendant’s motion seeks an extension of time, until January 8, 2010, in which to submit its expert report.¹ In support of its motion, Defendant asserts in a conclusory fashion, that the expert needs additional time because of the expert’s existing workload, complexity of the case, other pre-existing deadlines, time restraints, staff limitations and the past and approaching holidays. Curiously, the information the Defendant’s expert needs time to review and analyze is information from the Defendant.

This case was filed June 5, 2009. [Dkts. 1, 2]. Defendant answered and counter-claimed on July 31, 2009. [Dkts. 14, 16]. Defendant had approximately six months from the filing date and approximately four months from the date of Defendant’s counterclaim to prepare its expert report. Defendant does not provide any explanation why the information the expert needed was not provided to the expert in time to prepare an

¹ In the affidavit of Defendant’s expert attached to Defendant’s reply, the expert states he needs until January 29, 2010, to complete his report. [Dkt. 33-2, p. 2].

expert report in compliance with the scheduling order. Defendant has not shown that it has been diligent in complying with the scheduling order and, therefore, has not established good cause to extend the date for its expert report.

Defendant's Motion for Extension of Expert Witness Deadlines [Dkt. 30] is DENIED.

SO ORDERED this 21st day of December, 2009.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE