

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

KATHERINE THOMAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:13cv920-WHA
	)	
DARREN MOODY, et al.,	)	(wo)
	)	
Defendants.	)	

**ORDER**

This case is before the court on two Motions to Exclude, seeking to exclude expert evidence offered by the Plaintiff (Doc. #100, 101), and filed by the Defendants on June 26, 2015.

The Scheduling Order entered in this case set a deadline for filing *Daubert* motions on or before the dispositive motions deadline, which was 90 days prior to the pretrial hearing set on April 9, 2015. (Doc. #14 at Section 2). By later Order of the court, the case was reset on the September 28, 2015 trial term, with a pretrial date of August 26, 2015 (Doc. #69). That Order did not change the Scheduling Order provision which ties the dispositive motion and *Daubert* motion deadline to the pretrial order date, and in fact stated that all provisions of the Scheduling Order other than Sections 1, 7, 9, 10, and 11 remain in full force and effect. (Doc. #69). A Motion for Summary Judgment was timely-filed on the dispositive motion deadline, May 26, 2015, which is ninety days before the new pretrial date.

The Motions to Exclude expert evidence, having been filed a month after the dispositive motion deadline, are untimely. Accordingly, it is hereby ORDERED that the Motions to Exclude (Doc. #100, 101) are DENIED.

Done this 1st day of July, 2015.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE