

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

LORRAINE COOK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 3:14cv296-WKW
	)	(WO)
THE HUGHSTON CLINIC, P.C., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Now pending before the court is the Defendants’ Motion to Strike Plaintiff’s Amended Supplemental Expert Report (doc. # 49) filed on January 22, 2015.<sup>1</sup>

In his supplemental expert witness report, Dr. Tonks indicated that he had reviewed diagnostic images including radiographs and CT scans. (Doc. # 41, Ex. 1, p.1). He further stated that

[t]he exhibits which will be used to support my opinions are a few of the radiological images. These images are post-operative films. This letter will be offered as a summary of my opinions, and a copy of the board summary will be forwarded to you in time for you to get it to the defendants’ attorney in time for him to consider it prior to taking my testimony.

(*Id.* at p. 2)

In his amended supplemental report which was provided to the defendants just prior to oral argument on the defendants’ third motion to strike, Dr. Tonks specifically identified

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<sup>1</sup> Because the plaintiff did not provide the defendants with the amended supplemental report until immediately before oral argument on the defendants’ other motion to strike, the substance of this motion to strike was argued but a written motion to strike was not filed until after the argument.

