

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.

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.

(*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 the radiological images he reviewed.

The exhibits which will be used to support my opinions are a few of the radiological images. The CAT scans taken post operatively on December 1 and December 2, 2011; Indicate the screws are positions to injure the nerves.

(Doc. # 49, Ex. A, p.2).

On February 6, 2015, the plaintiff confirmed that the CAT scans Dr. Tonks identified in his amended supplemental expert report were the same radiological images that he referenced in his December 11, 2014, supplemental expert report. Because Dr. Tonks' amended supplemental report simply identified the diagnostic imaging he reviewed more explicitly, it did not present or rely on any new or previously unidentified information. Accordingly, it is

ORDERED that the defendants' motion to strike (doc. # 49) be and is hereby DENIED.

Done this 9th day of February, 2015.

/s/Charles S. Coody  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE