

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

DOUG TAYLOR and TONYA TAYLOR,	:	
	:	
Plaintiffs,	:	
	:	
vs.		CA 08-0188-KD-C
	:	
WAL-MART STORES, INC., STRONG BUILT, INC.,	:	
	:	
Defendants.		

**ORDER**

This cause is before the Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(A) and SD ALA LR 72.2(c)(1), on plaintiffs' to motion to amend the Rule 16(b) scheduling order (Doc. 37), as amended (Doc. 38).<sup>1</sup>

Through the present motion, as amended, plaintiffs seek to extend by forty-five (45) days the time by which they are to produce their expert report (Docs. 37 & 38), same being presently due for disclosure on February 13, 2009 (Doc. 18, ¶ 5). In support of this request, plaintiffs simply state that they "are in need of such additional time so as to allow their expert to prepare his report

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<sup>1</sup> Plaintiff's amendment simply contains the notation that the defendant "has no objection to and is in agreement with the relief sought in this motion." (*Id.*)

containing, among other things, a complete statement of all of his opinions to be expressed and the basis and reasons underlying said opinions.” (Docs. 37 & 38) The request merely tracks the expert disclosure requirement that the witness’s report must contain, among other things, “a complete statement of all opinions the witness will express and the basis and reasons for them[,]” Fed.R.Civ.P. 26(a)(2)(B)(i), without establishing the reasons why additional time is necessary to produce such report.

Rule 16(b)(4) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” In this instance, plaintiffs have not established good cause for the requested extension. Accordingly, plaintiffs’ motion to amend scheduling order (Doc. 37), as amended (Doc. 38), is **DENIED** without prejudice to plaintiffs’ ability to file another motion which makes the requisite showing.<sup>2</sup>

**DONE** and **ORDERED** this the 6th day of February, 2009.

s/WILLIAM E. CASSADY  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>2</sup> The additional information necessary would include, but is not limited to, the identity of the expert (what kind of expert, etc.) and why he/she needs additional time to prepare his/her written report. In addition, counsel for plaintiffs should indicate in any future motion filed what, if any, impact the granting of same will have on the remaining deadlines set forth in the scheduling order.