

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ESTATE OF JERRY L. BYLER,

Plaintiff,

vs.

ALASKAN LEADER, Official No.
558697, its Engines, Machinery,
Appurtenances, etc., *In Rem*, and
ALASKAN ADVENTURE TOURS,
INC., *In Personam*

Defendants,

CITY AND BOROUGH OF
YAKUTAT,

Intervenor.

Case No. 3:10-cv-00055-HRH-JDR

**ORDER GRANTING MOTION TO
STRIKE EXPERT WITNESSES**

Docket 172

Intervenor, CBY, filed a *Motion To Strike Expert Witnesses* at Docket 172. The Estate filed its Opposition at Docket 180 and CBY filed its Reply at Docket 186. CBY seeks to strike the Estate's late-noticed experts as the time to file notice of expert witnesses and reports lapsed on March 2, 2011. The court held the Motion in abeyance and granted, in part, the Plaintiff's request to extend the time for

discovery.¹

The original deadline for expert disclosures was March 2, 2011. Plaintiff filed notice of two experts on March 25. The notice was not accompanied by any reports (which were also due on March 2, 2011). The Plaintiff filed a *Motion to Extend Time for Discovery* seeking time to further investigate whether the experts, Douglas S. Lacey and Alfred L. Johnson, would be needed to testify at trial. This Motion was denied except that the court allowed the Plaintiff to have an extension only for the purpose of producing expert reports.²

The deadline for the Plaintiff to submit expert reports was June 10, 2011, three months after the date the reports were originally due. That date has passed. The Estate did not file any reports. In accordance with the *Order at Docket 191*, CBY's Motion is HEREBY GRANTED. Accordingly, Douglas S. Lacey and Alfred L. Johnson are stricken from the Plaintiff's witness list and shall not be called as experts at trial.

IT IS SO ORDERED.

DATED this 13th day of June, 2011 at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge

¹See *Order Granting in Part Motion to Compel Compliance with Subpoenas [169], Holding Motion to Strike Expert Witnesses in Abeyance [172], and Denying in Part Motion to Extend Time for Discovery, Docket 191.*

²See *Id.* at p. 13.