

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

CHLOE FRATESI

PLAINTIFF

V.

CASE NO. 4:09CV00225

CIRCUS CIRCUS MISSISSIPPI, INC.,  
d/b/a GOLD STRIKE CASINO RESORT

DEFENDANT

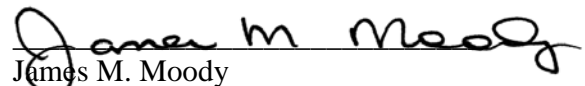
ORDER

Pending is Defendant's motion to compel expert reports. (Docket # 53). Defendant seeks expert reports from Plaintiff's treating physicians Dr. Scott Bowen and Dr. Michael Stephens. Plaintiff argues that because neither Dr. Bowen nor Dr. Stephens are retained experts in this case, Rule 26(a)(2) reports are not required. However, in an effort to accommodate Defendant's request, Plaintiff has now provided both reports. Plaintiff seeks the costs incurred in obtaining the written reports.

The reports of Drs. Bowen and Stephens indicate that the physicians will offer opinions relating to causation, prognosis and future damages. Because the treating physicians are offering opinion testimony the Court finds that Plaintiff must comply with the required disclosures pursuant to Fed. R. Civ. P. 26(a)(2)(B). *Brooks v. Union Pacific R. Co.*, 620 F.3d 896 (8<sup>th</sup> Cir. 2010). Plaintiff appears to have complied with the report disclosure requirement. Plaintiff is required to comply with the remaining requirements contained in Fed. R. Civ. P. 26(a)(2)(B). Plaintiff's request for reimbursement of costs associated with these disclosures is denied.

Accordingly, Defendant's motion is GRANTED as set forth herein.

IT IS SO ORDERED this 14<sup>th</sup> day of December, 2010.

  
James M. Moody  
United States District Judge