

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

MICHAEL REED

PLAINTIFF

v.

Case No: 09-2061

MALONE'S MECHANICAL, INC.,
MICHAEL JACOBS, and SIMMONS FOODS, INC.

DEFENDANTS

TRAVELERS INSURANCE COMPANY
and FMC TECHNOLOGIES

INTERVENORS

O R D E R

Currently before the Court are Defendant Simmons Foods, Inc.'s Motion to Strike and Exclude Plaintiff's Expert Witness Sarah Moore (doc. 42), Plaintiff's response, and Defendant's reply. For its motion, Defendant seeks to exclude the testimony of Plaintiff's life care planner based on the untimely disclosure of her expert report, which Defendant did not receive until June 9, 2010. Defendant contends it has not had the opportunity to depose Ms. Moore or to designate its own expert.

On June 15, 2010, the Court granted the parties' joint motion for extension of the discovery deadline. The close of discovery is July 17, 2010. To address the concerns of Defendant, Plaintiff is directed to produce Ms. Moore for deposition by the close of discovery. Defendant will then have until July 26, 2010, to counter-designate its expert. Therefore, Defendant's Motion to Strike and Exclude Plaintiff's Expert Witness Sarah Moore is **DENIED**. The Court will revisit this issue should Plaintiff fail to make a good faith effort to comply with this Order.

IT IS SO ORDERED this 8th day of July 2010.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge