

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

SCOTT THOMASON

PLAINTIFF

V.

NO. 12-4155

STEVE RANDALL,
WARREN HANSON,
STEVE FALER,
SWS ENGRAVING, LLC., and
AMERICAN LEGACY FIREARMS, INC.

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion for Relief Under Rule 37. (ECF No. 39). Defendants have responded. (ECF No. 40). Plaintiff seeks relief under Federal Rule of Civil Procedure 37 because Defendants violated Federal Rule of Civil Procedure 26(a)(2) by supplementing their expert witness disclosures after the June 19, 2014 deadline set by this Court in the Final Scheduling Order (ECF No. 22). On July 10, 2014, Defendants sent the Plaintiff notice that they may call William Tolleson, Jr. as both a fact witness and a rebuttal expert witness. Defendants have since served an amended notice, indicating that they intend to call Mr. Tolleson solely as a fact witness. Therefore, the Court finds that Plaintiff's Motion should be and hereby is **DENIED as moot**.

IT IS SO ORDERED, this 28th day of October, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge