

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EFRAIN MUNOZ, *individually and on
behalf of all others similarly situated,
et al.*,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION,
et al.,

Defendants.

No. 1:08-cv-00759-MMB-BAM

**ORDER RESPECTING
OBJECTIONS TO
EXPERT WITNESS
QUALIFICATIONS**

15 The court has issued an order respecting trial witnesses (ECF 506) that,
16 at the parties' request, sets a deadline of January 14, 2022, for the parties to
17 identify which individuals they plan to bring to the trial to testify live and a
18 deadline of January 24, 2022, for them to exchange deposition designations.
19 Neither that order, the final pretrial order (ECF 456), nor the amended pretrial
20 order (ECF 460) provides a deadline for parties to object to whether a proffered
21 witness is qualified as an expert to give opinion testimony under the require-
22 ments set forth in Federal Rule of Evidence 702 or for the parties to raise what
23 is commonly referred to as a *Daubert* objection.

24 It is therefore **ORDERED** as follows:

25 1. For expert witnesses who will testify in person, a party wishing to
26 object to a proposed expert witness's qualifications to give opinion testimony
27 at trial as an expert witness shall file a statement of the objections and the

1 reasons therefor no later than January 21, 2022. The party proffering the pro-
2 posed expert may file a response to the objection(s) no later than January 28,
3 2022.

4 2. For expert witnesses whose testimony will be presented via depo-
5 sition designations, the parties shall notify each other by January 18, 2022, of
6 any such witnesses and which phase(s) of the trial such witnesses shall testify
7 in. A party wishing to object to any such witness's qualifications to give opinion
8 testimony at trial as an expert witness shall file a statement of the objections
9 and the reasons therefor no later than January 25, 2022. The party proffering
10 the proposed expert may file a response to the objection(s) no later than Feb-
11 ruary 1, 2022.

12 3. The provisions of this order will apply to Plaintiffs' proposed expert
13 witness Robert Hoyt, who is the subject of a pending motion to strike (ECF
14 475), unless the court grants the motion to strike prior to January 21, 2022.

15 Dated: January 13, 2022

/s/ M. Miller Baker

M. Miller Baker, Judge¹

¹ Judge of the United States Court of International Trade, sitting by designation.