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

WILSON GORRELL,

Plaintiff,

v.

THOMAS SNEATH, et al.,

Defendants.

) Case No.: 1:12-cv-0554 - JLT

)

) ORDER DEFERRING PLAINTIFF’S MOTION
) TO ALLOW HIS EXPERT TO TESTIFY AT
) TRIAL VIA TELEPHONE OR VIDEO

) CONFERENCE; ORDER REQUIRING RULE 26
) EXPERT DISCLOSURE

)

) (Doc. 71)

On July 25, 2013, Plaintiff filed a request to allow his expert to testify via telephone or video conference at trial. (Doc. 71) Permitting this type of testimony may be permitted but notably, Plaintiff has not properly disclosed an expert. The fact he has provided a letter from one doctor and an unsigned page of notes from another does not comply with Fed. R. Civ. P. 26(a)(2). Therefore, the Court will not decide at this time whether testimony should be allowed in this fashion. Instead, the Court

ORDERS:

1. No later than **August 23, 2013**, Plaintiff **SHALL** disclose his expert to Defendants and to file the disclosure with the Court. This disclosure **SHALL** comply with Fed. R. Civ. P. 26(a)(2). Assuming this occurs, Defendants **SHALL** complete expert discovery no later than September 20, 2013;¹

¹ In the event Plaintiff’s disclosure requires Defendants to disclose a rebuttal expert, Defendants may file a request to do so no later than **September 6, 2013**.

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2. The determination of Plaintiff's request for his expert to testify at trial via telephone or video-conference is **DEFERRED** until Plaintiff makes his compliant expert disclosure.

IT IS SO ORDERED.

Dated: July 29, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE