

1 E. & S. Dists. Asbestos Litig., 830 F.Supp. 686, 693 (E.D.N.Y. 1993) (allowing appointment of
2 independent expert in mass tort case).

3 The appointment of an independent expert is to assist the trier of fact, not a particular litigant.
4 Thus, the Court may not appoint an expert witness to advocate for Plaintiff at trial. Defendants have
5 filed a motion for summary judgment supported with declarations from Defendants and medical expert
6 testimony by non-Defendant, Dr. Barnett. Plaintiff submits that appointment of an independent
7 cardiologist expert will assist the Court in understanding why it should not grant summary judgment
8 upon reliance of the declarations submitted by Defendants. At this juncture, without a thorough
9 review of Defendants' motion for summary judgment, the Court cannot determine whether
10 appointment of an independent medical expert is necessary to resolve Defendants' motion.

11 Accordingly, Plaintiff's motion for a appointment of an independent expert witness shall be
12 DENIED, without prejudice, to later renewal by Plaintiff and/or sua sponte renewal by the Court if
13 deemed necessary to resolve Defendants' motion for summary judgment. In the interest of justice,
14 Plaintiff is granted an extension of thirty (30) days to file an opposition to Defendants' motion for
15 summary judgment. Plaintiff is advised that the failure to file a timely opposition will be deemed a
16 waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.
17 Local Rule 230(l).

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19 IT IS SO ORDERED.

20 Dated: December 18, 2015


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22 UNITED STATES MAGISTRATE JUDGE
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