

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 JOSHUA MARISCAL,

5 Plaintiff,

6 v.

7 GRACO, INC.,

8 Defendant.

Case No. 13-cv-02548-TEH

ORDER REQUIRING RESPONSE

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10 This matter is set to come before the Court on June 16, 2014, on Defendant's
11 motion for summary judgment. On June 3, 2014, Defendant filed objections to evidence
12 submitted by Plaintiff in support of his Opposition to Summary Judgment. Specifically,
13 Defendant objects to the Declaration of David Rondinone, Ph. D., as an untimely and
14 improper expert disclosure, in violation of Rule 26(a)(2) of the Federal Rules of Civil
15 Procedure. *See* Docket No. 43; *see also Plumley v. Mockett*, 836 F. Supp. 2d 1053, 1061-
16 65 (C.D. Cal. 2010) (excluding untimely expert witness testimony in the absence of a
17 showing that the party's failure to previously disclose the required information in a timely
18 manner is substantially justified or harmless). Additionally, Defendant objects to the
19 May 27, 2014 Declaration of Joshua Mariscal as self-serving and contradictory. Plaintiff
20 shall file a response to Defendant's objections on or before **June 12, 2014, at 12:00 PM**,
21 and the matter will then be deemed submitted.

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23 **IT IS SO ORDERED.**

24
25 Dated: 06/09/14



THELTON E. HENDERSON
United States District Judge

United States District Court
Northern District of California