

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BUCKEYE TREE LODGE AND  
SEQUOIA VILLAGE INN, LLC, et al.,

Plaintiffs,

v.

EXPEDIA, INC., et al.,

Defendants.

Case No. 16-cv-04721-VC

**ORDER DENYING MOTION TO  
STRIKE**

Re: Dkt. No. 195

The motion to strike is denied. The summary judgment hearing is still three months away, and trial is still five months away. Furthermore, Dr. Dennis's revised report doesn't present any new substantive opinion, doesn't appear to present significant new issues relating to admissibility under *Daubert*, and will potentially allow the Court to better adjudicate the case. For these reasons, the plaintiffs' failure to introduce the revised opinion prior to the expert report deadline is harmless error.

If the defendants wish to depose Dr. Dennis regarding the revisions to his report, they may do so prior to March 2, 2020 (but for no longer than two hours).

**IT IS SO ORDERED.**

Dated: January 24, 2020

  
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VINCE CHHABRIA  
United States District Judge