

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY RICHARD LAWMAN,
Plaintiff,
v.
CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. [15-cv-01202-DMR](#)

**ORDER ON PLAINTIFF'S NINTH
MOTION IN LIMINE**

Re: Dkt. No. 140

The court has reviewed Plaintiff's motion in limine no. 9 regarding defense expert Jeffrey A. Martin's supplemental report and opinions, and Defendants' opposition thereto. [Docket Nos. 140, 170.] This matter is suitable for decision without a hearing. Civ. L.R. 7-1(b).

The court allowed Plaintiff to submit an untimely report by expert David Dusenbury. The court subsequently permitted Plaintiff to serve a supplemental Dusenbury report because Defendants were late in producing certain documents relevant to Dusenbury's opinions. [Docket No. 106.] The court did not authorize multiple supplemental reports, but Dusenbury nevertheless supplemented his report three times. Martin filed a supplemental rebuttal report on May 12, 2016 report, which was timely only as to Dusenbury's May 2, 2016 supplemental report.

The court concludes that both parties contributed to the messy manner in which these expert reports were developed. The court will not strike Martin's supplemental report and opinions. Plaintiff may depose Martin solely on the subject of his May 12, 2016 supplemental report. The parties shall equally share the costs of the deposition, as well as Martin's expert fees. The parties shall work together to schedule this deposition promptly.

IT IS SO ORDERED.

Dated: July 19, 2016



Donna M. Ryu
United States Magistrate Judge