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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 TRINA KOISTRA; GEORGIA  
12 KOISTRA; and LARRY FORD,  
13 Plaintiff,  
14 v.  
15 COUNTY OF SAN DIEGO; and DOES 1  
16 through 50, inclusive,  
17 Defendant.

Case No.: 16cv2539-GPC(AGS)

**ORDER DENYING DEFENDANTS'  
MOTION TO EXCLUDE  
PLAINTIFF'S EXPERT OPINION AS  
MOOT**

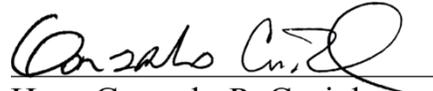
**[Dkt. No. 53.]**

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20 In connection with their motion for summary judgment, Defendants filed a motion  
21 to exclude Plaintiff's police practices and procedures expert, Scott DeFoe, concerning the  
22 use of the Sheriff's canine pursuant to Daubert v. Merrell Dow Pharms., 508 U.S. 579  
23 (1993). (Dkt. No. 53.) Defendants acknowledged they filed the Daubert motion in  
24 anticipation that Plaintiff will attempt to use her expert opinion in opposition to the  
25 motion for summary judgment. (Dkt. No. 53-1.) Plaintiff filed an opposition to the  
26 Daubert motion. (Dkt. No. 59.) In reply, Defendants concede that because Plaintiff did  
27 not submit Mr. DeFoe's expert opinion testimony in opposition to the summary judgment  
28 motion, their Daubert motion is moot for purposes of the summary judgment motion.

1 (Dkt. No. 61.) Accordingly, the Court DENIES Defendants' motion to exclude as  
2 MOOT subject to refiling at the time of motions in limine.

3 IT IS SO ORDERED.

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5 Dated: April 11, 2018

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7 Hon. Gonzalo P. Curiel  
8 United States District Judge  
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