

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-00103-WJM-BNB

DENNIS W. KING, Colorado resident and U.S. Bankruptcy Trustee for bankrupt SHERI L. LAUK, a Colorado resident,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY, a foreign corporation,

Defendant.

**ORDER DENYING DEFENDANT'S RENEWED MOTION TO STRIKE
UNTIMELY DECLARATION OF PLAINTIFF'S EXPERT**

Before the Court is Defendant's Renewed Motion to Strike Untimely Declaration of Plaintiff's Expert Stephen D. Prater ("Motion"). (ECF No. 168.) Defendant contends that Mr. Prater's February 28, 2012 Declaration (ECF No. 121-1), which was submitted in support of Plaintiff's Opposition to the Motion for Summary Judgment, should be stricken because it is a supplemental expert report submitted after the close of expert discovery. (ECF No. 168 at 5.) In response, Plaintiff argues that Mr. Prater's Declaration does not contain any new opinions but was prepared only to serve as a boiled-down version of Mr. Prater's opinions for purposes of summary judgment. (ECF No. 181.)

In the interest of fairness and judicial economy, the Court finds that the most expedient way to resolve this dispute is to deny the Motion to Strike. However, to minimize any prejudice to Defendant regarding any new opinions contained in the


Declaration, the Court will reopen discovery for the sole purpose of allowing Defendant to reconvene Mr. Prater's deposition.

Accordingly, the Court hereby ORDERS as follows:

1. Defendant's Renewed Motion to Strike Untimely Declaration of Plaintiff's Expert Stephen D. Prater (ECF No. 168) is DENIED;
2. Discovery is REOPENED until August 8, 2013 for the sole purpose of allowing Defendant to reconvene Mr. Prater's deposition for up to four hours and inquire about any opinions contained in the February 28, 2013 Declaration.

Dated this 23rd day of July, 2013.

BY THE COURT:



William J. Martinez
United States District Judge