

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

CHARLES W. PIKE,

Plaintiff,

v.

Case No: 5:12-cv-146-Oc-UATCPRL

**TRINITY INDUSTRIES, INC. and
TRINITY HIGHWAY PRODUCTS,
LLC**

Defendants.

ORDER

This case is before the Court for consideration of Plaintiff's Motion to Substitute Dr. Borg for Dr. Pettingill. (Doc. 113). Plaintiff recites that Dr. Pettingill, his economic expert previously disclosed pursuant to Fed. R. Civ. P. 26, was involved in an automobile accident and sustained serious injuries that prevent his testifying in this case. Plaintiff wishes to substitute Dr. Borg, however, Defendants object and contend that Plaintiff lacked diligence in informing the Court and Defendants of the proposed substitution. Defendants also object on the ground that discovery deadlines have passed.

Dr. Pettingill's accident occurred on April 28, 2013, but counsel for Plaintiff did not become aware of it until June 21, 2013. He did not inform Defendants of Dr. Pettingill's situation until July 31, 2013. In the interim, Plaintiff retained Dr. Borg on July 2, 2013, and directed him to begin reviewing documents in this case. Although counsel for Plaintiff certainly could have informed Defendants sooner regarding Dr. Pettingill's situation, any prejudice caused by Plaintiff's delay is not great and can be cured by adjustments to the deadlines in this case.

Upon due consideration, Plaintiff's Motion (Doc. 113) is Granted. Plaintiff is granted leave to substitute Dr. Borg for Dr. Pettinghill. Plaintiff shall have until August 20, 2013 to provide amended expert disclosures to Defendants, and the parties shall have until September 4, 2013 to complete the deposition of Dr. Borg.

DONE and **ORDERED** in Ocala, Florida on August 7, 2013.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties