

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

JOHN MAKAS, JR.,

Plaintiff,

v.

CASE NO: 8:15-cv-2940-T-30MAP

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's Emergency Motion for Review of the Magistrate Judge's Ruling Granting Plaintiff's Motion to Strike Experts (Dkt. #43). The Court has reviewed the motion, the Magistrate Judge's Order, the parties' filings related to the issue, and the February 15, 2017 hearing transcript and, based on this review, concludes that Defendant's motion should be denied. Accordingly, the Court does not need a response from Plaintiff on this matter.

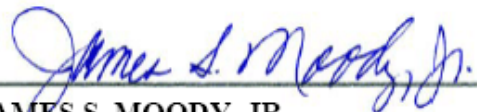
Specifically, the Court agrees with the Magistrate Judge's ruling granting Plaintiff's motion to strike experts based on the specific circumstances of this case. Defendant did not meet its burden of establishing that its failure to timely disclose the experts was substantially justified or harmless. Defendant provided no justification for the untimely disclosures. And, because the pretrial conference in this case is scheduled on March 8, 2017, just three weeks

from the February 15, 2017 hearing, and now a mere week from the date of this Order, it is obvious that the failure is not harmless. Plaintiff's trial preparation (and the April 2017 trial date) would be disrupted if the Court permitted Defendant to present the experts at trial. It is therefore

ORDERED AND ADJUDGED that:

1. Defendant's Emergency Motion for Review of the Magistrate Judge's Ruling Granting Plaintiff's Motion to Strike Experts (Dkt. #43) is DENIED.
2. Drs. Maniscalco and Arrington remain stricken and are prohibited from testifying at the April 2017 trial in this matter.

DONE and **ORDERED** in Tampa, Florida on March 1, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record