

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

LAURA L. SMITH,

Plaintiff,

v.

4:06cv496-WS

JACOBS ENGINEERING GROUP, INC.,

Defendant.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court are the magistrate judge's reports and recommendations (docs. 123 & 128) docketed March 18 and 20, 2008, respectively. In the earlier report, the magistrate judge recommends that the court grant the defendant's motion in limine to exclude the expert opinion of Dr. Farhad Boeshaghi under Daubert v. Merrell Dow Pharms., 509 U.S. 579 (1993) and Fed. R. Evid. 702. In the latter report, the magistrate judge recommends that the court grant the plaintiff's motions to exclude the expert opinion of Dr. Michael Woodhouse, the defendant's expert, as a Rule 37 sanction. The parties have filed objections to the respective reports and recommendations. Docs. 141 & 143.

On the current record, the magistrate judge recommended that neither Dr. Boeshaghi or Dr. Woodhouse be permitted to testify, and this court agrees with that recommendation. The court will accordingly adopt the magistrate judge's report and recommendation based on the record as it now stands.

Nonetheless, in a recent order (doc. 168), this court ordered a limited reopening of discovery for a period of 60 days. During this additional discovery period, the court will permit the parties, if they wish, to resume their discovery of Dr. Boeshaghi and Dr. Woodhouse, following which the parties may ask the court to revisit the admissibility of the respective experts' testimony. The parties shall bear their own expenses of continuing any discovery related to Dr. Boeshaghi and Dr. Woodhouse.

Accordingly, it is ORDERED:

1. The magistrate judge's reports and recommendations (docs. 123 & 128) are ADOPTED and incorporated by reference in this order of the court.
2. Based on the current record, the parties' respective motions to exclude (docs. 85 & 92) are GRANTED.
3. The parties may, if they wish, use the re-opened discovery period to continue, at their own expense, discovery of Dr. Boeshaghi and Dr. Woodhouse, following which they may ask the court to revisit the admissibility of the respective experts' testimony.

DONE AND ORDERED this 12th day of September, 2008.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE