

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-60432-CIV-SINGHAL

JASON NUWER, *et al.*,

Plaintiffs,

v.

FCA US LLC f/k/a CHRYSLER
GROUP LLC,

Defendant.

ORDER

THIS CAUSE is before the Court on Defendant's Motion to Strike Plaintiff's Second Round of Late-Disclosed Fact Witnesses (DE [301]). On January 9, 2024, Plaintiff disclosed two new fact witnesses: (1) an owner of a class vehicle whose AHR inadvertently deployed on December 6, 2023, and (2) an unidentified corporate representative of Rob Lambdin University Dodge. Defendant moves to strike both late-disclosed witnesses.

Plaintiff argues that he could not have disclosed the automobile owner earlier because her name was not disclosed until January 4, 2024, when Defendant made an updated disclosure. Plaintiff does not argue that Defendant delayed making this disclosure and, indeed, the disclosure could not be late because the incident occurred less than one month earlier. But Plaintiff does not establish a compelling need for *this* witness. If the First Amended Complaint (DE [10]) is correct, AHRs in Class Vehicles have been deploying throughout the course of this litigation and, presumably, will continue to deploy. Plaintiff has made no showing that *this* witness, whose AHR deployed in December 2023, should be permitted as a late-disclosed witness.

Likewise, the subpoena to a corporate representative of a Dodge dealership is too late in coming. Plaintiff's Amended Complaint alleges that he purchased his vehicle from University Dodge and the dealership "operates as an agent of Chrysler." (DE [10] ¶ 18). Defendant admitted that Rob Lambdin's University Dodge was authorized to sell FCA US vehicles but denied the remaining allegations. (DE [60] ¶ 18). No discovery was taken on the agency issue. Plaintiff cannot "spring" a new witness at this late date.

Accordingly, it is hereby

ORDERED AND ADJUDGED that Defendant's Motion to Strike Plaintiff's Second Round of Late-Disclosed Fact Witnesses (DE [301]) is **GRANTED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 15th day of January 2024.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished counsel via CM/ECF