

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

WHITESELL CORPORATION,

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Plaintiff,

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v.

CV 103-050

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ELECTROLUX HOME PRODUCTS,
INC., HUSQVARNA, A.B., and
HUSQVARNA OUTDOOR PRODUCTS,
INC.,

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Defendants.

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O R D E R

On Friday, June 12, 2019, at approximately 4:00 p.m., Plaintiff Whitesell Corporation filed four motions to strike the reports and testimony of certain expert defense witnesses. Defendants filed an opposition brief today, Monday, June 15, at 12:42 p.m. The Court has been presiding over a jury trial this entire day; today is also the deadline that the parties must submit rebuttal expert reports.

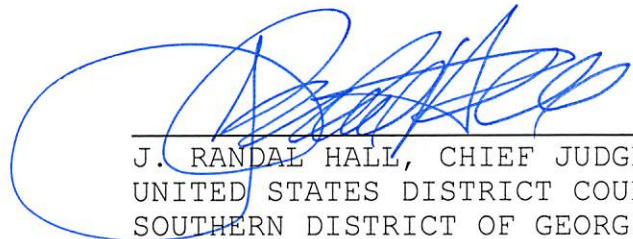
While Plaintiff expressly states that the motions are not Daubert motions, the motions may be construed as an attack on each expert's methodology and reliability, which are typically Daubert issues.¹ Moreover, much of the basis of Plaintiff's

¹ The parties have agreed to submit Daubert motions between October 16, 2019 and November 15, 2019, after all expert reports have been furnished, expert deposition have

motions focus on the same arguments Plaintiff has made relative to pending cross-motions for summary judgment. The Court will not resolve these issues, which are essential to Plaintiff's contentions, in the context of motions to strike. Finally, Plaintiff filed these motions on the eve of its deadline to submit rebuttal expert reports after having had the benefit of the expert reports for approximately 90 days.

Upon consideration of the nature and circumstances of the four motions to strike expert reports, the Court hereby **DENIES WITHOUT PREJUDICE** Plaintiff's motions to strike expert reports (doc. nos. 1222, 1223, 1224 & 1225). Plaintiff may refile its motions at a more appropriate time.

ORDER ENTERED at Augusta, Georgia, this 15th day of July, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

been taken, and any summary judgment motions on liability issues have been filed. (See Doc. No. 1171.)