

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

JOSEPH L. SABLIC,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:11-CV-286
)	
FORT WAYNE CITY POLICE OFFICERS)	
JUAN CARLOS GUTIERREZ, #1769;)	
KEITH WALLACE, #1702; DOUG WEAVER,)	
#1807; and RICKY BRUMMET, #1545;)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Supplemental Initial Disclosures and Expert Witnesses (Docket # 27), seeking to preclude Plaintiff from calling previously undisclosed expert witnesses or introducing their records or reports. The Motion was filed on August 9, 2012, and is apparently unopposed as Plaintiff has not filed a response and the time to do so has since passed.

On October 27, 2011, by approving the Report of Parties' Planning Meeting (Docket # 10), the Court set deadlines of March 16, 2012, for Plaintiff's submission of any expert reports under Federal Rule of Civil Procedure 26(a)(2), and May 17, 2012, for the completion of all discovery. (Docket # 11.) On August 6, 2012, after both of these deadlines had passed, Plaintiff served Defendants with Supplemental Initial Disclosures, in which he identified three expert witnesses and listed records and a report from these experts. (Docket # 27 at ¶¶ 1-3.)

The disclosures come almost five months after the expert report deadline and almost three months after the close of discovery, and Plaintiff never requested an extension to disclose

these expert witnesses or their supporting documents. Moreover, the trial is set to begin on December 4, 2012, slightly over three months away, with a final pretrial conference scheduled for November 1, 2012. (Docket # 11.) In short, no good cause has been shown for any extension of the deadline, FED. R. CIV. P. 16(b)(4), nor has Plaintiff suggested that the failure to timely disclose these witnesses was substantially justified or harmless, FED. R. CIV. P. 37(c)(1).

Accordingly, considering the untimeliness of Plaintiff's supplemental disclosures, the proximity of the trial date, and Plaintiff's apparent lack of opposition, Defendants' Motion to Strike (Docket # 27) is GRANTED, and Plaintiff is hereby precluded from using the three expert witnesses and the accompanying records and report listed in his Supplemental Pretrial Disclosures.

SO ORDERED.

Enter for this 28th day of August, 2012.

S/Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge