

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

FAMOUS THOMPSON and JAMIE JOHNSON,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:15-cv-00074-TWP-MJD
)	
CITY OF INDIANAPOLIS, Officer BRYAN)	
ZOTZ, and Officer JASON ROSS,)	
)	
Defendants.)	

ORDER

On January 11, 2017, the Court heard oral argument on Defendants' Motion to Preclude or Limit Plaintiffs' Expert Testimony. ([Filing No. 53](#).) Defendants moved the Court to preclude or limit the testimony of twelve witnesses disclosed as experts by the Plaintiffs for their failure to comply with the disclosure requirements of Federal Rule of Civil Procedure 26(2)(2). For the following reason, Defendants' Motion is **DENIED**.

On September 8, 2016, when Defendants filed their Motion, this matter was scheduled for trial by jury on November 7, 2016. The matter is now scheduled for trial on May 22, 2017 on the Plaintiffs' Fourth Amendment claims for excessive force and unreasonable seizure and state law tort claims for assault, battery, and excessive force. Plaintiffs' Expert Disclosure lists twelve potential expert witnesses ([Filing No. 32](#)). Of the twelve witnesses disclosed, Plaintiffs intend to call only three treating medical providers as expert witnesses. Although Plaintiffs' Expert Disclosures are deficient, the deficiencies are harmless and any potential prejudice can be easily cured. Plaintiffs are ordered to supplement the disclosure statements regarding the experts they intend to call as witnesses for trial by **January 25, 2017**. Specifically, Plaintiffs shall provide treating physician disclosures which state the actual opinion the witness will offer at trial and a

summary of facts supporting the opinion of each expert witness. In addition, Plaintiffs shall provide the curriculum vitae of each expert they intend to call as a witness at trial by **January 25, 2017**.

SO ORDERED.

Dated: 1/11/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

DISTRIBUTION:

Christopher D. Wyant
WYANT LAW OFFICE
chris@wyantlawoffice.com

Andrew J. Upchurch
OFFICE OF CORPORATION COUNSEL
andrew.upchurch@indy.gov

Andrew R. Duncan
RUCKELSHAUS KAUTZMAN BLACKWELL BEMIS & HASBROOK
ard@rucklaw.com

Edward J. Merchant
RUCKELSHAUS KAUTZMAN BLACKWELL BEMIS & HASBROOK
ejm@rucklaw.com

John F. Kautzman
RUCKELSHAUS KAUTZMAN BLACKWELL BEMIS & HASBROOK
jfk@rucklaw.com