

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION**

**CIVIL ACTION NO. 4:09-CV-00061**

**KEISHA N. NILES and WILLIAM  
CHRISTOPHER NILES, Personal  
Representatives of the Estate of D.C.N.;  
and KEISHA N. NILES and WILLIAM  
CHRISTOPHER NILES in their Individual  
Capacities as Parents of D.C.N.,**

**PLAINTIFFS**

**v.**

**OWENSBORO MEDICAL HEALTH  
SYSTEM, INC.; EMERGENCY PHYSICIANS  
GROUP, P.S.C.; RADIOLOGY IMAGING  
CONSULTANTS, S.C.; LOUISVILLE  
RADIOLOGY IMAGING CONSULTANTS,  
PLLC; OWENSBORO PEDIATRICS, PLLC;  
THE WOMEN'S PAVILION, P.S.C.;  
MICHAEL F. YEISER, MD; JOHN D.  
LAUZON, MD; CHARLES F. HOBELMANN,  
III, MD; MARIA E. SMITH, MD; and PAUL  
R. ROSEL, MD.**

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on a motion for leave to file a motion for partial summary judgment by Defendant Emergency Physicians Group and Defendant Charles Hobelmann [DN 139] and a motion for the same by Defendant Louisville Radiology Imaging [DN 141]. Fully briefed, the matters are ripe for decision.

Defendants seek to file a motion for summary judgment on Plaintiffs' claim for punitive damages. The Court must deny Defendants' request. The deadline for filing such dispositive motions was February 7, 2011, pursuant to the scheduling order. Defendants were aware of Plaintiffs' intent of seeking punitive damages from the outset and discovery in this case has been

complete since January 2011. Defendants have not shown good cause for their delay in complying with the deadline. Accordingly, Defendants' motion can be more appropriately addressed at the close of evidence with a directed verdict.

Based on the foregoing, **IT IS HEREBY ORDERED** that Defendants' motions for leave to file a motion for partial summary judgment [DN 139, DN 141] are **DENIED**. Defendants motions for partial summary judgment [DN 140, DN 144] are **DENIED AS MOOT**.

cc. Counsel of Record