

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

CIVIL ACTION NO: 4:15-CV-00077-JHM

CHARLES MORRIS, et al.

PLAINTIFFS

V.

TYSON CHICKEN, INC., et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant Tyson Chicken Inc.’s Motion for Leave to Substitute. [DN 234]. Fully briefed, the matter is ripe for decision. When Defendant filed its response to Plaintiffs’ Counterstatement of Uncontroverted Facts, it also filed several exhibits as attachments. [DN 230]. One of those exhibits is listed as “Exhibit 10 – Expert Report of Dr. Kyle Stiegert (Redacted).” [DN 230-10]. It turns out there was a mistake. DN 230-10 is the unredacted expert report of Walter Thurman—not Stiegert’s redacted expert report that Defendant intended to file.

Defendant made a similar mistake before. [DN 218].¹ Defendant should take care to avoid such careless mistakes in the future. As the Court has done before in a similar situation, it will permit Defendant to replace Thurman’s report at DN 230-10 with the redacted version of Stiegert’s report attached to its Motion. For the reasons set forth above, **IT IS HEREBY ORDERED** that Defendant’s Motion for Leave to Substitute [DN 234] is **GRANTED**.

cc: counsel of record


Joseph H. McKinley Jr., Senior Judge
United States District Court

August 21, 2020

¹ In a prior Memorandum Opinion and Order, the Court permitted Defendants to file certain pages of two expert reports under seal because Defendants mistakenly filed the two reports in their entirety without a provisional seal. [DN 218 at 5–6].