

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
PADUCAH DIVISION  
CASE NO. 5:08-CV-212-R**

NANCY FAULKNER,  
Individually and as Administratrix  
of the Estate of ROBERT DAVID  
FAULKNER, Deceased

PLAINTIFF,

v.

ABB INC.

DEFENDANTS .

**MEMORANDUM OPINION AND ORDER**

Defendant has filed a motion to exclude expert testimony (DN 73). Plaintiff has filed a response (DN 74) and a Motion to Supplement Expert Disclosures (DN 74). No reply was filed. Accordingly, this matter is ripe for adjudication. The motion to exclude is DENIED and the motion to supplement is GRANTED.

As point out by Plaintiff, the supplemental information was supplied before the end of the discovery deadline and before Defendant had taken a deposition of Plaintiff's expert. Accordingly, no prejudice to Defendant has resulted from this late supplement. If any prejudice has occurred, it is certainly not severe enough to warrant the harsh sanction of excluding the experts testimony.

The image shows a handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive, flowing style. Behind the signature is a circular seal of the United States District Court for the Western District of Kentucky, Paducah Division. The seal features an eagle with wings spread, perched on a shield, with the words "UNITED STATES DISTRICT COURT" and "WESTERN DISTRICT OF KENTUCKY" around the perimeter.

**Thomas B. Russell  
Chief Judge, U.S. District Court**

May 13, 2011