

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BONNIE CARPENTER	*	CIVIL ACTION
VERSUS	*	NO: 09-561
STATE FARM FIRE AND CASUALTY COMPANY	*	SECTION: "D" (2)

ORDER AND REASONS

Before the court is the **"Motion to Strike the Testimony and Untimely Report of Plaintiff's Proposed Expert, Don Kotter"** (Doc. No. 17) filed by Defendant, State Farm Fire and Casualty Company. Plaintiff, Bonnie Carpenter, filed a memorandum in opposition. The motion, set for hearing on Wednesday, April 7, 2010, is before the court on briefs, without oral argument. Now, having considered the memoranda of counsel, the record, and the applicable law, the court finds that the motion should be denied.

The deadline for Plaintiff's expert report was originally February 25, 2010, and upon Plaintiff's motion, the court extended this deadline to March 12, 2010. In its instant motion, Defendant states that it did not receive Plaintiff's expert report until March 17, 2010. (Plaintiff asserts that she submitted her expert

report by facsimile transmission and overnight FedEx on March 16, 2010). While the court does not look favorably on a party failing to meet court-imposed deadlines, the court finds that, here, Defendant has not been prejudiced in receiving Plaintiff's expert report merely two or three business days after the March 12, 2010 deadline. Accordingly;

IT IS ORDERED that Defendant's "**Motion to Strike the Testimony and Untimely Report of Plaintiff's Proposed Expert, Don Kotter**" (Doc. No. 17) be and is hereby **DENIED**. Nothing herein should be construed, however, as a comment by the court on the contents of Plaintiff's expert report (a copy of which was attached to Defendant's supporting memorandum). Further, Plaintiff's counsel should not use this ruling as a precedent for failing to meet court-imposed deadlines in further practice before this court.

New Orleans, Louisiana, this **7th** day of **April**, 2010.



A.J. McNAMARA
UNITED STATES DISTRICT JUDGE