

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**MICHELLE LEWIS, ET AL.**

**CIVIL ACTION**

**VERSUS**

**NO. 11-163**

**TOURO INFIRMARY INC., ET AL.**

**SECTION I**

**ORDER**

Before the Court is a motion<sup>1</sup> for an extension of the deadlines for submitting expert reports filed by plaintiffs, Michelle Lewis and Alicia Lewis. Defendant, Dr. Ruary C. O'Connell, has filed an opposition.<sup>2</sup> For the following reasons, plaintiffs' motion is **GRANTED**.

***BACKGROUND***

Plaintiffs allege in their complaint that they suffered immeasurable grief and other damages from the loss of their mother when Dr. O'Connell failed to diagnose and treat the pulmonary embolism that resulted in her death.<sup>3</sup> This Court's scheduling order required plaintiffs to obtain written reports of their experts and deliver them to counsel for defendant by Friday, November 18, 2011.<sup>4</sup> However, this Court held a status conference on September 15, 2011 in which plaintiffs agreed to provide written reports of their experts by October 17, 2011.<sup>5</sup>

Plaintiffs now request an additional thirty days to submit the reports of their experts. Plaintiffs claim that their experts have been contacted, but have not yet rendered any opinions and require additional time to review the records presented to them.<sup>6</sup> Defendant objects to any

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<sup>1</sup> R. Doc. No. 25.

<sup>2</sup> R. Doc. No. 24.

<sup>3</sup> R. Doc. No. 1-1.

<sup>4</sup> R. Doc. No. 12.

<sup>5</sup> R. Doc. No. 21.

<sup>6</sup> R. Doc. No. 25.

extension of the deadline arguing that the facts giving rise to this case occurred in May of 2008 and plaintiffs have had more than three years to locate an expert.<sup>7</sup>

***DISCUSSION***

The Court finds that plaintiffs should be granted additional time to provide written reports of their experts. Plaintiffs have adequately explained that their experts have been contacted but require additional time to prepare their reports. Defendant will suffer no prejudice because the extension merely reinstates the original deadline of Friday, November 18, 2011 set forth in this Court's scheduling order.<sup>8</sup> As a result, granting the extension will not strain the demands on counsel's time or the Court's time and it will not disturb any other deadline set forth in this Court's scheduling order.<sup>9</sup>

Accordingly,

**IT IS ORDERED** that plaintiffs' motion for an extension of the deadline to produce written reports of their experts is **GRANTED**.

**IT IS FURTHER ORDERED** that any experts who may be witnesses for plaintiffs shall be obtained and delivered to counsel for defendant as soon as possible, **but in no event later than Friday, November 18, 2011**.

**IT IS FURTHER ORDERED** that all other deadlines shall remain in effect.

New Orleans, Louisiana, October 20, 2011.

  
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**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**

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<sup>7</sup> R. Doc. No. 24.

<sup>8</sup> R. Doc. No. 12.

<sup>9</sup> R. Doc. No. 12.