

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

DARRYL KIEFFER

CIVIL ACTION

VERSUS

NO. 11-2736

DON LOUIS JOHNSON, ET AL

SECTION "K"(5)

ORDER AND OPINION

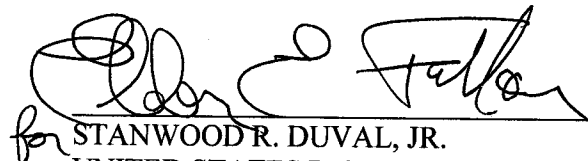
Before the Court is the "Motion in *Limine* and Motion to Strike Witness and Exhibit Lists" filed on behalf of defendants Don Louis Johnson and Sparta Insurance Company. (Rec. Doc. 68). Having reviewed the pleadings, memoranda, and relevant law, the Court, for the reasons assigned, **DENIES** the motion.

The Court recognizes that, under its Scheduling Order of March 19, 2013, the plaintiff was required to file another witness and exhibit list and has failed to do so. (Rec. Doc. 49). However, plaintiff has represented to the Court that the witness and exhibit list filed on January 17, 2013 continues to represent all witnesses it intends to call at trial and mirrors the defendants' expert and lay witness list. (Rec. Doc. 69). In addition, defendants have failed to articulate any specific prejudice they have sustained due to the plaintiff's failure to timely file a new witness and exhibit list as they have already received a witness and exhibit list submitted by the plaintiff on January 17, 2013. (*See* Rec.Doc. 28).

However, the Court impresses upon plaintiff's counsel that plaintiff's counsel cannot continue to blithely ignore the Court's orders without subjecting himself to sanctions and causing his client to suffer as a result. Counsel is hereby warned to meticulously comply with any of this Court's Scheduling Orders, and counsel *will* be sanctioned in the event that he fails to do so. The

Court expects the Pre-Trial Order to be completed timely and as set forth in the Court's most recent Scheduling Order, Rec. Doc. 49.

New Orleans, Louisiana, this 25th day of October.


for STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT JUDGE