

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

M-EDGE INTERNATIONAL CORPORATION,	*	
Plaintiff	*	
vs.	*	CIVIL ACTION NO. MJG-14-3627
LIFEWORKS TECHNOLOGY GROUP LLC,	*	
Defendant	*	

* * * * *
MEMORANDUM AND ORDER RE: MOTIONS TO STRIKE

The Court has before it Defendant Lifeworks' Motion to Strike Portions of Expert Report [ECF No. 87], Plaintiff M-Edge International Corporation's Motion to Strike Portions of Lifeworks' Expert Report [ECF No. 88] and the materials submitted relating thereto. The Court finds a hearing unnecessary.

In the Revised Scheduling Order [ECF No. 75], the Court provided for expert discovery commencing May 23,¹ with summary judgment motions to be filed by July 18. However, the Court has issued the Joint Proposed Scheduling Order [ECF No. 102] extending the dates for deposing expert witnesses and filing summary judgment motions "until 45 days after the Court decides" the instant motions.

¹ All dates referred to herein are in the year 2016.

Initially, it must be noted that neither side actually presents a motion to strike. Rule 12(f) of the Federal Rules of Civil Procedure provides:

The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

The objects of the motions are not pleadings. Fed. R. Civ. P. 7(a).² Nor do their contents, even arguably, warrant striking under Rule 12(f).

The motions are, in reality, motions in limine. As such, the Court finds them premature. Neither report in question will be admissible, per se, as evidence. The testimony of the authors of the reports may well be subject to objection for reasons stated in the instant motions. However, these objections shall be determined in the context the testimony is offered and in light of the deposition testimony of the witness that may explain or vary from the report.

The parties shall proceed with depositions of the authors of the reports. If any summary judgment motions are filed and a party seeks to rely upon an expert opinion in support of its position, the Court will determine, in context, whether the

² See, e.g., Jarvis v. FedEx Office & Print Servs., Inc., No. CIV.A. DKC 08-1694, 2011 WL 826796, at *5 (D. Md. Mar. 7, 2011), aff'd sub nom. Jarvis v. Fedex Office & Print Servs., Inc., 442 F. App'x 71 (4th Cir. 2011).

opinion constitutes admissible evidence. If the case proceeds to trial, the parties shall be provided the opportunity to file any appropriate motions in limine.

Accordingly,

1. Defendant Lifeworks' Motion to Strike Portions of Expert Report [ECF No. 87] is DENIED.
2. Plaintiff M-Edge International Corporation's Motion to Strike Portions of Lifeworks' Expert Report [ECF No. 88] is DENIED.
3. The parties shall complete expert discovery by September 29.
4. Any summary judgment motions shall be filed by October 28.

SO ORDERED, on Monday, August 01, 2016.

/s/

Marvin J. Garbis
United States District Judge