

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUDOOS HAMOOD,

Plaintiff,

v.

Case No. 23-cv-10270
Honorable Linda V. Parker

ARAB COMMUNITY CENTER FOR
ECONOMIC AND SOCIAL SERVICES,

Defendant.

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO
AMEND/CORRECT SCHEDULING ORDER (ECF NO. 17)**

On February 1, 2023, Plaintiff filed this religious discrimination lawsuit pursuant to Title VII of the Civil Rights Act of 1964 and Michigan's Elliott-Larsen Civil Rights Act. (ECF No. 1.) On May 4, 2023, this Court entered a Scheduling Order which included deadlines for expert disclosures by Plaintiff and Defendant: October 6 and November 3, 2023, respectively. (ECF No. 9.) By a stipulated order entered September 28, 2023, these deadlines subsequently were extended to December 6, 2023 for Plaintiff, and to January 8, 2024 for Defendant. (ECF No. 14.) Seeking to submit such a report, Plaintiff now asks the Court to set a deadline for doing so. (ECF No. 17.) Defendant opposes Plaintiff's request. (ECF No. 18.)

Federal Rule of Civil Procedure 26 establishes the time to disclose expert discovery:

A party must make these disclosures at the times and in the sequence that the court orders. Absent a stipulation or a court order, the disclosures must be made:

(i) at least 90 days before the date set for trial or for the case to be ready for trial; or

(ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), within 30 days after the other party's disclosure.

Fed. R. Civ. P. 26(2)(D). Defendant maintains that, because there is a scheduling order, these provisions do not govern the time for Plaintiff to file expert rebuttal reports. The Court's orders, however, do not establish a deadline for rebuttal reports.

In any event, Federal Rule of Civil Procedure 16(b) allows for the modification of a scheduling order for good cause. Plaintiff establishes good cause: the need for a deadline to submit expert rebuttal reports where the original orders omitted such a deadline.

Accordingly, the Court **GRANTS** Plaintiff's motion and expert rebuttal reports may be filed within 30 days after the opposing party's disclosure. If that deadline already has passed, rebuttal reports are due 30 days from this Opinion and Order.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 13, 2024