

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

SHANNON BARNFIELD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-CV-15-SNLJ
)	
TEREX CORPORATION and,)	
TEREX AERIALS, INC.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant Terex Corporation and defendant Terex Aerials, Inc.’s (collectively “Terex”) motion to strike plaintiff Shannon Barnfield’s requests for admissions and for a protective order (#31). The motion is fully briefed.

Under the Amended Case Management Order (#24), Terex was required to disclose all expert witnesses in this case by June 24, 2016. The deadline for completing discovery was September 2, 2016.

After both deadlines, on January 25, 2017, Terex named a second expert witness. Barnfield deposed the second expert on February 28, 2017. In light of new issues raised in the deposition, Barnfield moved to continue the trial setting (#27) so she could “obtain the additional newly discovered discovery” The Court granted the continuance (#30).

Then, Barnfield filed supplemental requests for production and supplemental interrogatories on April 27, 2017. Terex responded on June 10, 2017. Then, on

September 7, 2017, Barnfield served 119 requests for admissions. The requests relate to what Barnfield claims is contradictory testimony between Terex's two expert witnesses. Instead of responding, Terex moved to strike the requests for admissions and asks the Court to enter a protective order barring it from having to respond.

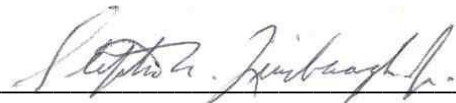
Terex argues that Barnfield's requests are untimely because the discovery deadline has passed. It also claims that Barnfield should have served the requests right after the second expert's deposition, not six months later. Lastly, Terex argues that Barnfield will get the information it seeks through cross-examination at trial.

Suffice it to say that these September 7 requests for admissions are untimely, and in any event, Barnfield will be able to cross-examine Terex's experts at trial to gain the same information sought in the requests.

Accordingly,

IT IS HEREBY ORDERED that defendant Terex's motion to strike and for a protective order (#31) is **GRANTED**.

Dated this 2nd day of October, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE