

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

OSCAR L. JOHNNY, JR.,)	
)	
Plaintiff,)	
)	
vs.)	No. 10-04008-CV-W-FJG
)	
LARRY BORNOWSKI and)	
STAMPEDE CARRIERS, LLC,)	
et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is Plaintiff Oscar Johnny, Jr.'s Unopposed Motion For Leave to Depose Defendants' Experts by September 8, 2011 (Doc. No. 55).

Plaintiff seeks to depose all six of Defendants' designated expert witnesses. Under Rule 26(a)(2)(B), an expert's written report must contain considerable explanation of the expert's opinion and the basis and reasons therefor. Fed. R. Civ. P. 26. As stated in Paragraph 7(a)(2) of the Scheduling Order, one of the purposes of the expert affidavit is to set forth the substance of a direct examination. If properly done, the expert affidavit should eliminate the need for deposing some experts.

After careful review of Defendants' expert witness reports, the Court shall allow the deposition of witness Bruno Schmidt, Ph.D. The Court finds additional discovery regarding the basis for this expert's opinion would be helpful to support conclusions set forth in his affidavit.

Accordingly, Plaintiff's Motion for Leave to Depose Defendants' Expert Witnesses is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff **SHALL** conduct this deposition

by **AUGUST 24, 2011**, and **SHALL** follow the Third Amended Scheduling Order in all other respects. Parties shall file a motion to request any additional depositions.

IT IS SO ORDERED.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. GAITAN, Jr.
Chief United States District Judge

Dated: August 2, 2011
Kansas City, Missouri