

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

JOHN W. CROMEANS., JR.,)	
Individually and on behalf of all)	
others similarly situated,)	
)	
Plaintiff,)	No. 2:12-CV-04269-NKL
)	
v.)	
)	
MORGAN KEEGAN & CO., INC., et al.,)	
)	
Defendants.)	

ORDER

Defendant Armstrong Teasdale, LLP moves to exclude testimony of Plaintiffs’ expert, Geoffrey Hazard, concerning the conduct of Armstrong Teasdale. Doc. 428. For the reasons explained below, the motion is denied without prejudice.

Plaintiffs filed a “Designation of Rule 23 Expert,” Doc. 73, naming Hazard, and a copy of Hazard’s expert report, Doc. 73-1. Plaintiffs subsequently cited Hazard’s expert report in their suggestions in opposition, Doc. 128-36, to Armstrong Teasdale’s motion for summary judgment against Plaintiff Cromeans on the attorney malpractice, negligent misrepresentation, and unjust enrichment claims, Doc. 93. On November 5, 2013, the Court granted summary judgment to Armstrong Teasdale on the attorney malpractice and negligent misrepresentation claims, Doc. 170, and the Court has now denied Plaintiffs’ motion to vacate that partial grant of summary judgment. The deadline to file dispositive motions passed in June 2014. Docs. 306, 331.

Plaintiffs have represented to Armstrong Teasdale that their use of Professor Hazard’s testimony is relevant only to their attorney malpractice claim and to any motion

for summary judgment on that claim. Docs. 450, p. 3 (Plaintiffs' suggestions in opposition to Armstrong Teasdale's motion to exclude) and 450-1 (e-mail from Plaintiffs' counsel to Armstrong Teasdale's counsel). Because the Court denied Plaintiffs' motion to vacate the grant of summary judgment to Armstrong Teasdale on the attorney malpractice claim, no motion for summary judgment on an attorney malpractice claim is pending, and the deadline for filing summary judgment motions passed, Armstrong Teasdale's motion to exclude [Doc. 428] is denied without prejudice.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: October 20, 2014
Jefferson City, Missouri