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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 ESTATE OF EDGAR H. MALLOY, et al.,)

8 Plaintiffs,)

9 v.)

10 SPX COOLING TECHNOLOGIES, INC.,)

11 Defendant.)
12 _____)

2:10-cv-00908-RLH-LRL

ORDER

13 Before the court is defendant's Motion to Strike Plaintiff's Expert Witness, Frank A. Perez,
14 Ph.D. (#17). The court has considered the motion, plaintiff's Opposition (#20), and defendant's Reply
15 (#21). Also before the court is plaintiff's Motion to Expand Time (#18). The court has considered the
16 motion and defendant's Opposition (#22).

17 Although plaintiff's diligence has been less than impressive, the court will deny defendant's
18 motion to strike Dr. Perez as an expert witness (#17) and will grant plaintiff's request to extend the
19 discovery and related deadlines (#18). Doing so will not prejudice defendant in any significant way.
20 Plaintiff will, of course, be expected to pick up the pace of discovery appreciably in this tragic case.

21 IT IS THEREFORE ORDERED that defendant's Motion to Strike Plaintiff's Expert Witness,
22 Frank A. Perez, Ph.D. (#17) is denied.

23 IT IS FURTHER ORDERED that plaintiffs' Motion to Expand Time (#18) is granted. The
24 following case management deadlines will now be in effect:

25 ...

26 ...

Discovery	March 4, 2011
Designation of experts	December 22, 2010
Designation of rebuttal experts	January 21, 2011
Dispositive motions	April 4, 2011
Joint Pretrial Order	May 6, 2011

DATED this 22nd day of November, 2010.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE