## **UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

Michelle McKenna,

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5 v.

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Case No.: 2:14-cv-01773-JAD-DJA

Order Granting Motion for Leave to Supplement MIL

[ECF No. 191]

6 David Z. Chesnoff, et al.,

Plaintiff

Defendants

8 Plaintiff Michelle McKenna moves in limine to limit the trial testimony of defendants' 9 expert, Jerome Barakos, M.D., to matters that she contends fall within his area of expertise and are properly supported by an accurate and complete set of the relevant facts.<sup>1</sup> McKenna 10 contends that several of Barakos's opinions are unsupported because they are based on only his 11 12 review of the imaging studies that had been performed on McKenna.<sup>2</sup> In their response, 13 defendants disagree that the imaging studies are all Barakos relied on in forming his opinions, but concede that they inadvertently omitted the exhibit listing the materials that Barakos relied 14 15 on when they produced his report to McKenna during discovery.<sup>3</sup> Defendants argue that this 16 omission "is immaterial," however, because all of the materials that Barakos considered had 17 been produced except a report and presentation from Dr. Orrison, who is now deceased, and 18 "Barakos reviewed all images reviewed by Dr. Orrison and formulated his own opinion anyway."<sup>4</sup> 19 20 21

1	McKenna now moves to supplement her motion in limine to completely exclude Barakos
2	from testifying at trial. <sup>5</sup> In light of the belated reveal of the exhibit to Barakos's report and his
3	apparent reliance on two items that had not been disclosed during discovery, I find good cause
4	exists to permit McKenna to supplement her motion in limine.
5	Accordingly, IT IS HEREBY ORDERED that McKenna's motion for leave to
6	supplement [ECF No. 191] is GRANTED. McKenna must file the supplement to her motion in
7	limine by November 8, 2019. <sup>6</sup> Defendants must file any response to that supplement by
8	November 13, 2019.
9	US Divist Judea Jonnifon A. Domou
10	U.S. District Judge Jennifer A. Dorsey November 7, 2019
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23	<sup>5</sup> ECF No. 191.
	<sup>6</sup> See ECF No. 191-3 (proposed supplement).