



1 The Court will grant Defendants' motion in part and deny it in part. *See* Local Rule 7-2(d)  
2 (stating that "[t]he failure of an opposing party to file points and authorities in response to any  
3 motion shall constitute a consent to the granting of the motion"). Specifically, the Court will grant  
4 the motion to the extent that it will strike Drs. Kaplan and Prater as expert witnesses. At trial, Drs.  
5 Kaplan and Prater may not provide testimony outside their capacity as Plaintiffs' treating  
6 physicians. The Court further will order that Plaintiffs' six other non-retained physician witnesses  
7 may not provide testimony at trial outside their capacity as Plaintiffs' treating physicians. The  
8 Court will deny Defendants' motion to exclude rebuttal expert testimony by Plaintiffs' treating  
9 physician witnesses without prejudice for Defendants to renew the motion in the context of the  
10 evidence presented at trial.

11 IT IS THEREFORE ORDERED that Defendants' Motion in Limine to Limit Testimony of  
12 Plaintiffs' Experts and Treating Physicians as to Their Treatment of Plaintiff Only (ECF No. 12) is  
13 GRANTED in part and DENIED in part.

14 IT IS FURTHER ORDERED that Drs. Kaplan and Prater are stricken as expert witnesses  
15 and may not testify at trial outside their capacity as Plaintiffs' treating physicians.

16 IT IS FURTHER ORDERED that Plaintiffs six non-retained physician witnesses may  
17 testify at trial outside their capacity as Plaintiffs' treating physicians.

18 IT IS FURTHER ORDERED that Defendants' motion to exclude rebuttal expert testimony  
19 by Plaintiffs' treating physicians is DENIED without prejudice for Defendants to renew the motion  
20 in the context of the evidence presented at trial.

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22 DATED: November 2, 2015.

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25 **C.W. Hoffman, Jr.**  
26 **United States Magistrate Judge**