

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DARRELL H. LEE, as Personal Representative
of HAROLD LEE, Deceased

Plaintiff,

No. CV 15cv405 KG/KBM
No. CV 15cv510 KG/KBM
Consolidated

v.

UNITED STATES OF AMERICA,

Defendant

ORDER GRANTING IN PART DEFENDANT UNITED STATES OF AMERICA'S
MOTION TO EXCLUDE PLAINTIFF'S SUPPLEMENTAL EXPERT REPORT

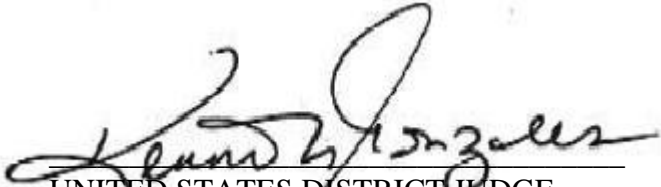
This matter comes before the Court upon Defendant United States of America's Motion to Exclude Plaintiff's Expert Testimony on Causation and Plaintiff's Supplemental Expert Report ("Motion"), filed on July 14, 2016. (Doc. 79). Plaintiff filed a response on August 8, 2016, and Defendant filed a response on August 25, 2016. (Docs. 86, 93).

On July 27, 2017, the Court held a hearing on the Motion, with Paul Barber representing Plaintiff and Ruth Keegan representing Defendant. At the hearing, Defendant argued that Plaintiff violated FED. R. CIV. P. 26(a)(2)(D)(ii) by disclosing Plaintiff's Supplemental Expert Witness Disclosure ("Supplemental Disclosure") more than thirty days after Defendant's expert witness disclosure. For the reasons stated on the record, the Court granted in part the Motion and excluded Plaintiff's Supplemental Disclosure.

Further, because Plaintiff's expert witness was not present at the hearing, the Court granted Plaintiff's request for a continuation of the hearing to rule on Defendant's Motion to

Exclude Expert Testimony on Causation. The Court will set a date to complete the hearing in a subsequent Order.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE