

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRIAN JORDAN, et al,

Plaintiffs,

v.

1:09-cv-1054

FEDERAL MARINE TERMINALS, INC., et al,

Defendants.

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THOMAS J. McAVOY  
Senior United States District Judge

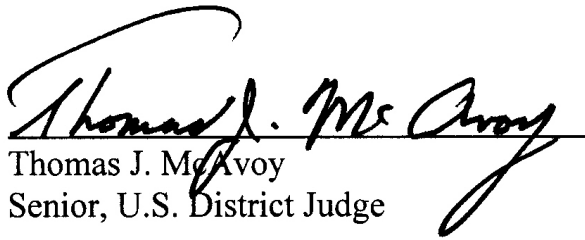
**DECISION and ORDER**

Defendants moved to preclude the expert report and testimony of one of Plaintiffs' experts, Douglas Rowland and/or Franklin Darius, as cumulative of the other. In response to the motion, by letter dated May 6, 2011, Plaintiffs' attorney responded that "I have spoken with [defense counsel] and advised . . . that the Plaintiffs will be calling only one of their liability experts. It is my understanding that based on this decision [defendants] will withdraw [the] motion with the Court." To date, the motion has not been withdrawn.

In light of Plaintiffs' representation that they will call only one of the liability experts, the motion is DENIED AS MOOT with leave to renew at trial in the event Plaintiffs seek to introduce the testimony of both experts.

IT IS SO ORDERED.

Dated: May 23, 2011

  
Thomas J. McAvoy  
Senior, U.S. District Judge