

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SERGIO CORNELI,

Plaintiff,

v.

**1:12-CV-1303
(FJS/TWD)**

**ADVENTURE RACING CO., LLC
and CHARLOTTE LAPPER,**

Defendants.

APPEARANCES

OF COUNSEL

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**CRYSTAL R. PECK, ESQ.
JOHN W. BAILEY, ESQ.**

SCULLIN, Senior Judge

ORDER

Defendants Jonathan and Charlotte Lapper ("the Lappers") moved to preclude the testimony of Plaintiff's experts, Jonathan A. Korn, M.D., and William H. Avery. *See* Dkt. No. 79. Defendant Adventure Racing Col, LLC ("Adventure Racing") also moved to preclude the testimony of Plaintiff's experts, Jonathan A. Korn, M.D. and William H. Avery, as well as Kenneth R. Laughery, Ph.D., France Verville, B.S., M.B.A., and James Lambrinos, Ph.D. *See* Dkt. No. 83. Plaintiff moved to preclude the testimony of the Lappers' expert, Kenneth P. Martin, and the testimony of Adventure Racing's expert, Jeffrey Oppenheim, M.D. *See* Dkt. No. 80.

In a Report-Recommendation dated July 10, 2015, Magistrate Judge Dancks recommended that the Court deny all of these motions. *See* Dkt. No. 121 at 28-29. The parties filed no objections to this recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' July 10, 2015 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Dancks' July 10, 2015 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that the Lapper Defendants' motion to preclude the testimony of Plaintiff's


experts, Jonathan A. Korn, M.D., and William Avery, *see* Dkt. No. 79, is **DENIED**; and the Court further

ORDERS that Defendant Adventure Racing's motion to preclude the testimony of Plaintiff's experts, Jonathan A. Korn, M.D., William Avery, Kenneth P. Laughery, Ph.D., France Verville, B.S., M.B.A., and James Lambrinos, Ph.D., *see* Dkt. No. 83, is **DENIED**; and the Court further

ORDERS that Plaintiff's motion to preclude the testimony of Defendants' experts, Kenneth P. Martin and Jeffrey Oppenheim, M.D., *see* Dkt. No. 80, is **DENIED**.

IT IS SO ORDERED.

Dated: August 7, 2015
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge