

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESARI S.R.L.,

Plaintiff,

- against -

PEJU PROVINCE WINERY L.P., PEJU FAMILY
OPERATING PARTNERSHIP L.P., and PEJU
PROVINCE CORPORATION,

Defendants.

ENDORSEMENT

17 Civ. 873 (NRB)

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Peju's request for a Daubert hearing is denied. See ECF No. 432. As Peju's counsel recognizes, Daubert has a very limited role in the non-jury context. Given plaintiff's expert is a forensic accountant whose testimony is derived from documents provided by defendants, a Daubert hearing would not be productive. This is especially true because any issues defendants have with plaintiff's expert report itself can be raised at the scheduled trial.

Additionally, in order to prepare for trial, the Court directs defendants to provide, as was provided by plaintiff, all the documents and transcripts relied upon by defendants' expert in his report, using the same format as plaintiff. Three hard copies of this binder should be delivered to Chambers by Tuesday, June 20,

2023. Defendants should also email an electronic copy of the binder to the Chambers email by June 20, 2023.

Finally, it has been the Court's intention to follow at trial the common practice in this district to have the expert report constitute the direct examination of the expert, such that trial is essentially limited to cross examination and redirect. After receiving defendant's expert binder on Tuesday, we will conduct a conference to determine whether there may be any reason not to proceed in that fashion.

SO ORDERED.

Dated: New York, New York
June 14, 2023

A handwritten signature in blue ink, reading "Naomi Reice Buchwald". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE