

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

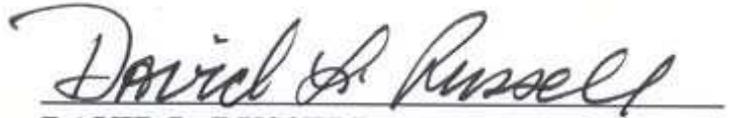
YULISA RODAS,)	
)	
Plaintiff,)	
)	
v.)	CIV-14-334-R
)	
MDOW INSURANCE COMPANY,)	
A Foreign for Profit Insurance)	
Company,)	
)	
Defendant.)	

ORDER

Defendant has filed a Motion to Compel to which Plaintiff has responded and Defendant replied. [Doc. No. 32]. The motion is hereby DENIED, as Defendant is incorrect in its contention that any expert report and disclosure that was rebutting Plaintiff's experts was due by December 3, 2014. Rather, as noted by Plaintiff, the Court's scheduling order called for Defendant to file its list of experts and reports not more than fourteen days after Plaintiff had done the same. Defendant's characterization of Chad Williams as a "rebuttal" witness does not extend the time for Defendant to list its experts. Indeed, with the exception of propositions on which a Defendant bears the burden of proof, Defendant's expert witnesses will be rebuttal to those experts proffered by a plaintiff. The Court's scheduling order supplants the general language of Rule 26(a)(2)(D)(ii), and any attempt by Defendant to list additional expert witnesses is untimely. As such, it is not necessary to compel Plaintiff to permit inspection of the property, and the Motion to Compel is DENIED. Furthermore,

Defendant's Motion to Extend Time to File Rebuttal Report [Doc. No. 33] is similarly DENIED, the deadline having passed on November 17, 2014.

IT IS SO ORDERED this 1st day of December, 2014.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE