

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SUN LIFE ASSURANCE CO. OF CANADA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:14-CV-539-PLR-HBG
)	
CONESTOGA TRUST SERVICES, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is the Defendant's Motion to Designate Attorney's Fee Expert [Doc. 98]. The Motion requests that the Court grant leave for the Defendant to designate Attorney James Craig Orr, Jr. as an expert on the issue of the reasonableness and necessity of Defendant's legal fees and expenses in this case. Attorney Orr has offered a Report of his opinions [Doc. 98-4].

The Plaintiff has filed a response in opposition [Doc. 103]. The Plaintiff argues that the Defendant's expert designation of Attorney Orr was made after the deadline for such designations contained in the Scheduling Order. The Plaintiff also asserts that allowing the designation will result in additional litigation expenses from the discovery of the expert.

The Court finds that the Plaintiff's Motion [Doc. 98] will be **GRANTED IN PART and DENIED IN PART**. The Court will allow the designation of Attorney Orr and the filing of his Report. However, the Court is going to defer any further consideration of this issue and **STAY**

any discovery related thereto until after such time as the Defendant may obtain a judgment which provides a legal basis to request a specific award of attorney's fees and costs.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge