

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PHYLLIS G. BARNES, and WALTER R.)	
BARNES,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:15-cv-556-PLR-HBG
)	
GREG MALINAK, <i>et al.</i> ,)	
)	
Defendants.)	

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 a Joint Motion to Modify Scheduling Order [Doc. 54]. The parties request that the Scheduling Order be modified as follows:

- (1) Plaintiffs shall serve any supplementation to Russel J. Kendzior’s written report by May 15, 2017;
- (2) Mr. Kendzior’s deposition will be conducted on May 22, 2017 in or around Dallas, Texas;
- (3) The parties shall file any *Daubert* motions by June 14, 2017; and
- (4) Defendants must disclose any rebuttal experts, and/or supplement any prior Rule 26(a)(2) expert disclosures and reports, by June 21, 2017, irrespective of the close of discovery.

For grounds, the parties submit that the above extensions have little, if any, impact on the proceedings. Further, the parties explain that Mr. Kendzior did not have an exemplar of the cotton terry cloth bathmat in his possession when his opinion was disclosed and that Plaintiffs requested production of an exemplar for inspection on or about March 30, 2017. The Motion submits that

the Plaintiffs proposed that Mr. Kendzior's deposition be postponed until after he has had an opportunity to test the exemplar and supplement his report accordingly. In addition, the Motion states that the Defendants are amendable to the Plaintiffs' proposal if they (Defendants) are able to obtain extensions to disclose rebuttal experts and to file any *Daubert* motions.

Accordingly, per the parties' agreement and for good cause shown, the Joint Motion to Modify Scheduling Order [Doc. 54] is hereby **GRANTED**. The Court further **ORDERS** as follows:

- (1) Plaintiffs shall serve any supplementation to Russel J. Kendzior's written report by **May 15, 2017**;
- (2) Mr. Kendzior's deposition will be conducted on **May 22, 2017**, in or around Dallas, Texas;
- (3) The parties shall file any *Daubert* motions by **June 14, 2017**; and
- (4) Defendants must disclose any rebuttal experts, and/or supplement any prior Rule 26(a)(2) expert disclosures and reports, by **June 21, 2017**, irrespective of the close of discovery.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge