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WESTERN DISTRIC	DISTRICT COURT T OF WASHINGTON ATTLE
ROGER and ELISE MURRAY, Plaintiffs,	) ) ) No. C12-1854RSL
v. SOUTHERN ROUTE MARITIME, S.A., <i>et al.</i> ,	<ul> <li>ORDER GRANTING IN PART</li> <li>PLAINTIFF'S MOTION TO EXCLUDE</li> <li>EXPERT TESTIMONY</li> </ul>

Defendants.

14 This matter comes before the Court on "Plaintiffs' Rule 37(c) Motion for Failure 15 to Disclose." Dkt. # 36. Having reviewed the memoranda, declarations, and exhibits submitted 16 by the parties, the Court finds as follows:

17 Pursuant to the case management schedule issued by the Court on February 28, 18 2013, and Fed. R. Civ. P. 26(a)(2), the parties were to disclose and provide reports on or before 19 March 12, 2014, for "any witness [they] may use at trial to present" expert testimony. By operation of Fed. R. Civ. P. 26(a)(2)(D)(ii), "if the evidence is intended solely to contradict or 20 21 rebut evidence" offered by another party's expert, the disclosures and reports were due on April 22 11, 2014. Defendants chose not to provide expert reports on March 12, 2014, and plaintiffs promptly moved to exclude the testimony of the three experts defendants identified. After the 23 24 briefing in this matter closed, defendants timely provided rebuttal expert reports. Dkt. # 57.

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> ORDER GRANTING IN PART PLAINTIFF'S MOTION TO EXCLUDE EXPERT TESTIMONY

1	The experts offered in rebuttal will be restricted "solely" to rebutting or	
2	contradicting the expert testimony and opinions offered by the experts plaintiffs disclosed on	
3	March 12, 2014. The rebuttal experts may not put forth their own theories or opinions regarding	
4	the cause or extent of Mr. Murray's injuries or his associated damages. These issues were long	
5	part of this litigation, and if defendants had expert testimony that would support a favorable	
6	story line, the testimony should have been disclosed in a report on March 12, 2014, so that	
7	plaintiff would have an opportunity to develop rebuttal testimony. Having foregone the	
8	opportunity to submit initial expert reports, the testimony of defendants' experts will be limited	
9	to explaining why the theories and opinions offered by plaintiffs' experts are unsound.	
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11	For all of the foregoing reasons, plaintiffs' motion to exclude expert witnesses is	
12	GRANTED in part and DENIED in part.	
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14	Dated this 23rd day of April, 2014.	
15	MMS Casnik	
16	Robert S. Lasnik United States District Judge	
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26	ORDER GRANTING IN PART PLAINTIFF'S MOTION TO EXCLUDE EXPERT TESTIMONY -2-	