

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

GREGORY WOIENSKI,

Plaintiff,

v.

Case No: 6:18-cv-393-Orl-40KRS

UNITED AIRLINES, INC.,

Defendant.

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: PLAINTIFF’S UNOPPOSED RENEWED MOTION FOR ENLARGMENT OF TIME TO FILE EXPERT DISCLOSURES (Doc. No. 36)

FILED: February 23, 2019

THEREON it is ORDERED that the motion is GRANTED in part and DENIED in part.

In attempting to state good cause to extend deadlines for disclosure of expert witness reports, counsel for Plaintiff explains to the Court that he did not “reach out” to Plaintiff’s proposed expert witness until approximately 10 days before Plaintiff’s expert witness disclosures were due. It is not surprising, therefore, that the expert witness was unable to prepare an expert witness report by the disclosure deadline of February 21, 2019. This information does not establish that the expert witness disclosure deadline could not have been met if counsel had exercised due diligence by contacting the proposed expert months before the expert witness report was due.

Nevertheless, counsel for Plaintiff states that the expert's report has been prepared and that the expert's deposition is scheduled for February 26, 2019. Recognizing the prejudice Plaintiff will suffer if he is precluded from relying on a medical expert, and in the absence of objection by Defendant, the deadline for Plaintiff to serve his expert witness report in the form required by Federal Rule of Civil Procedure 26(a)(2) is extended to February 25, 2019, the day before the expert is scheduled to be deposed.¹ It is **ORDERED** that counsel for Plaintiff shall cause this report to be hand delivered in paper or electronically to counsel for Defendant on or before 5:00 p.m. on February 25, 2019. The deadline for Defendant to disclose its expert witness report is similarly extended by 4 days, resulting in the new deadline for Defendant to serve its expert witness reports being March 25, 2019.

This order and the enlargements of time granted herein may not be cited or relied upon in support of a motion to continue any other deadlines in this case.

DONE and **ORDERED** in Orlando, Florida on February 23, 2019.

Karla R. Spaulding
KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE

¹ If necessary, counsel for Plaintiff shall arrange to have the expert's report transcribed locally by a court reporter or other qualified medical transcriptionist to meet this deadline.