



Shulz et al v. GeoVera Speciality Insurance Company

2023 | Cited 0 times | M.D. Florida | March 9, 2023

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION LISA P SHULZ and KALLI PATIDES, Plaintiffs, v. Case No.
8:21-cv-2073-WFJ-AAS GEOVERA SPECIALTY INSURANCE COMPANY, Defendant.

ORDER Before the Court is Defendant Motion to Strike Plaintiffs expert witness (Dkt. 35).

n unopposed. Local Rule 3.01(c). Upon close unopposed Motion.

LEGAL STANDARD Federal Rule of Civil Procedure Bingham v. Baycare Health Sys., No.
8:14-CV-73-T-23JSS, 2016 WL

5106946, at *1 (M.D. Fla. Sept. 20, 2016). by the court, [an expert disclosure] must be accompanied by a
written report . . . if

the [expert witness] is one retained or specially employed to provide expert Any party Prieto v.
Malgor, 361 F.3d 1313, 1318 (11th Cir. 2004) (quoting Fed.

R. Civ. P. 37(c)(1)).

DISCUSSION On July 26, 2022, Plaintiffs disclosed Grant Renne as an expert witness on engineering
pursuant to Rule 26(a)(2). Dkt. 35 at 1. include an expert report. Id. Defendant now argues that Mr.
Renne

should be stricken Id. at 2.

The Court agrees. There is no indication that Plaintiffs retained Mr. Renne for any reason beyond
providing engineering-based expert testimony. As such, as an expert witness required an
accompanying ared and signed by [Mr. Renne]. 26(a)(2)(B). Plaintiffs have failed to provide such a
report or explain why their

failure is harmless or substantially justified. 1

testimony is therefore properly excluded. See Prieto, 361 F.3d at 1318.



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1 Lopez via telephone conference on January 26, 2023. Mr. Lopez asked for additional time to look into the issue as he has recently taken over the file. Since th Case 8:21-cv-02073-WFJ-AAS Document 37 Filed 03/09/23 Page 2 of 3 PageID 557

CONCLUSION Accordingly, it is hereby ORDERED and ADJUDGED: Defendant unopposed Motion to Strike is GRANTED.

DONE AND ORDERED at Tampa, Florida, on March 9, 2023.

/s/ William F. Jung WILLIAM F. JUNG UNITED STATES DISTRICT JUDGE COPIES FURNISHED TO: Counsel of Record

Counsel has followed up on February 10, 2023 and February 17, 2023 to which they have not

Since filing the Motion and in compliance with Local Rule 3.01(g)(3) Defense Counsel called and left a voicemail for Attorney Lopez on February 21, 2023, on his personal cell phone. On February 22, 2023, Defense Counsel sent an e-mail to Mr. Lopez and Mrs. Padilla, whom both represent the Plaintiffs, attempting to set up a call to discuss the pending Motion. On February 23, 2023, Defense Counsel called the office for Mr. Lopez and Ms. Padilla. Defense Counsel requested to speak to Ms. Padilla and after a long hold was advised the call was being transferred to the Orlando office. Once the call was transferred the phone rang and ultimately the voicemail requesting a call back. To date Defense Counsel has not heard from Plaintiffs [sic] Counsel[.] Dkt. 36 at 1 2.

