

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY B. CAMPBELL,

Plaintiff,

v.

WOOD COUNTY SHERIFF
DEPUTY TODD JOHNSON,

Defendant.

ORDER

04-C-0661-C

Defendant Todd Johnson has moved for an order striking plaintiff Gary B. Campbell's liability experts. The motion will be granted. If plaintiff were planning to call Richard E. Bender as a liability expert, he may not do so. Not only was his disclosure of Bender untimely, but he has not filed an expert report from Bender, as Fed R. Civ. P. 26(a)(2) requires. As to doctors and nurses that treated plaintiff, plaintiff may call them during the damages phase of the trial but he may not call them as witnesses in the liability phase. If he had intended these witnesses would provide evidence that his injuries were consistent with the amount and type of force that he alleges was used against him, plaintiff should have made timely disclosure and filed the required expert reports.

ORDER

IT IS ORDERED that defendant Todd Johnson's motion to strike plaintiff Gary B. Campbell's liability experts is GRANTED.

Entered this 5th day of August, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge