

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

AARON ESPENSCHIED,
GARY IDLER, and MICHAEL
CLAY,

Plaintiffs,

v.

DIRECTSAT USA, LLC and
UNITEK USA, LLC,

Defendants.

ORDER

09-cv-625-bbc

Among the many motions pending in this FLSA action is one brought by plaintiffs to strike defendants' expert report, dkt. #603. Defendants have filed their own motion, dkt. #644, to strike plaintiffs's motion to strike as untimely. They maintain that their own motion is relevant because they intend to produce their expert, Robert Crandall, at trial to rebut testimony by the named plaintiffs. (It seems probable that the bulk of Crandall's report will be extraneous to the relatively few remaining issues in the case, but I accept defendants' representation that at least some portions of the report remain relevant.)

As defendants point out, the parties were directed to file all pretrial motions by May

6, 2011. Plaintiffs did not file their motion to strike Crandall's report until May 19, 2011, which was nearly two weeks after the deadline set by the court. Plaintiffs have not explained why they could not file this motion along with the motions they filed on May 6, 2011. The deadline was set well in advance of the final pretrial conference to give both sides an opportunity to digest the motions and prepare to respond to them. In the absence of any explanation, I am denying plaintiffs' motion to strike as untimely and granting defendants' motion to strike the motion.

ORDER

IT IS ORDERED that the motion to strike defendants' expert filed by plaintiffs Aaron Espenscheid, Gary Idler and Michael Clay, dkt. #603, is DENIED and the motion to strike plaintiffs' motion to strike filed by defendants DirectSat USA, LLC and Unitek USA, LLC, dkt. #644, is GRANTED.

Entered this 24th day of May, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge