

3:06CV01594(AVC). 12/10/12. The plaintiff's motion to preclude the testimony of Michael Higgins and Jan Kannally is denied without prejudice. The plaintiff was given the names, resumes, opinions and reports in Cantiere's disclosure before the relevant deadline. The plaintiff was also made aware of the defendant's intentions to call Higgins and Kannally on May 14, 2011, when they were listed as testifying witnesses in the joint trial memorandum. Further, the plaintiff deposed both witnesses over a year before trial. Accordingly, the court concludes that the defendant's failure to disclose the expert witnesses in a timely manner has not prejudiced the plaintiff to a degree that necessitates precluding their testimony. With respect to the plaintiff's argument that the testimony is duplicative, the plaintiff may, if appropriate, move to strike the testimony at the time of trial.

So ordered.

/s/

Alfred V. Covello, U.S.D.J.