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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RAYMOND T. BALVAGE and
9 DEBORAH A. BALVAGE, et al.,

10 Plaintiff,

11 v.

12 RYDERWOOD IMPROVEMENT AND
13 SERVICE ASSOCIATION, INC.,

14 Defendant.

CASE NO. C09-5409 BHS

ORDER DENYING
DEFENDANT'S MOTION TO
EXCLUDE PLAINTIFFS'
EXPERT HUFFER

15 This matter comes before the Court on Defendant Ryderwood Improvement and
16 Service Association, Inc.'s ("RISA") motion to exclude Plaintiffs' expert Huffer (Dkt.
17 208).

18 On May 29, 2013, RISA filed the instant motion requesting that the Court exclude
19 Plaintiffs' expert Dr. Karin D. Huffer because Plaintiffs failed to meet specific disclosure
20 deadlines. Dkt. 208. On June 10, 2013, Plaintiffs responded. Dkt. 217. On June 13,
21 2013, RISA responded. Dkt. 222.
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1 While it appears that the most important issue with Dr. Huffer will be overcoming
2 a *Daubert* motion, the Court finds that RISA is not prejudiced by Plaintiffs' late
3 disclosures. There is sufficient time between now and trial to adequately respond to Dr.
4 Huffer's opinions and report. The Court notes that there is a pending motion to extend
5 the expert and discovery deadlines that appears to have merit. Dkt. 212. In light of the
6 pending motion and the Court finding no prejudice, the Court **DENIES** RISA's motion
7 and Dr. Huffer's report must be served no later than July 1, 2013.

8 **IT IS SO ORDERED.**

9 Dated this 19th day of June, 2013.

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BENJAMIN H. SETTLE
13 United States District Judge
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