

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Kellie Hurt et al. v. Allstate Indemnity Co.

Hurt · No. 3:24-cv-01067 · Decided March 20, 2026

SUMMARY

The court granted plaintiffs’ motions for a retroactive extension of the deadline to produce an expert report and denied defendant’s motion to strike the expert disclosure and exclude the expert’s testimony. The court found that plaintiffs were diligent and that the 28-day delay was harmless because defendant had reviewed the report and proceeded with the expert depositions.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Luke A. Evans
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	March 20, 2026
DOCKET	3:24-cv-01067
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for a retroactive extension of the deadline to produce their engineering expert's report. Defendant moved to strike the expert disclosure as untimely and exclude the expert's testimony.
STANDARD OF REVIEW	The court applied its broad discretion to manage pretrial discovery and modify discovery deadlines.
PRECEDENTIAL VALUE	Unknown

TOPICS

- discovery dispute
- expert testimony
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- evidence
- insurance

QUESTIONS PRESENTED

1. Whether the court should retroactively extend the deadline for plaintiffs to produce Prosser's expert report.
2. Whether the 28-day delay required striking Prosser's disclosure and excluding his expert testimony.

HOLDINGS

1. The court granted plaintiffs' motions for a retroactive extension because plaintiffs were diligent in meeting their disclosure obligations and the delay was harmless.
2. The court denied defendant's motion to strike Prosser's disclosure and exclude his expert testimony because the 28-day delay was harmless and exclusion was unnecessary.

FACTUAL BACKGROUND

The case management order required plaintiffs to disclose expert witnesses and produce expert reports by August 1, 2025. Plaintiffs timely disclosed engineering expert Steve Prosser but informed defendant that his report would be delayed and produced it on August 29, 2025. Defendant's expert reviewed Prosser's report before the defendant's expert deposition, and the parties later proceeded with depositions of both experts despite the original November 1, 2025 deadline.

PROCEDURAL HISTORY

The initial case management order required expert disclosures and reports by August 1, 2025, and expert depositions by November 1, 2025. Plaintiffs disclosed Steve Prosser by the deadline but produced his report 28 days late, on August 29, 2025. After the parties proceeded with expert depositions, the court granted plaintiffs' motions for a retroactive extension and denied defendant's motion to strike and exclude Prosser's testimony.

DISPOSITION

other

CASES CITED

- Marie v. American Red Cross, 771 F.3d 344, 366 (6th Cir. 2014)
- AFS Logistics, LLC v. Cochran, No. 3:16-3139, 2017 WL 11477303, at *1 (M.D. Tenn. July 12, 2017)
- Matilla v. S. Kentucky Rural Elec. Co-op. Corp., 240 F. App'x 35, 42 (6th Cir. 2007)

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