

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI

Steven Davis and Joshua Antwine v. Brett Allred, et al.

Davis · No. 4:25-cv-00594-RK · Decided May 20, 2026

SUMMARY

The United States District Court for the Western District of Missouri grants Plaintiffs’ motion to file expert disclosures out of time. The Court finds diligence and lack of prejudice under Federal Rule of Civil Procedure 16(b), and modifies the scheduling order to extend Defendants’ expert and related discovery deadlines.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri
WRITING FOR THE COURT	Roseann A. Ketchmark
JURISDICTION	United States District Court for the Western District of Missouri
DECIDED	May 20, 2026
DOCKET	4:25-cv-00594-RK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 16(b)(4) for leave to serve expert disclosures and reports after the scheduling-order deadline. The court granted that motion and also granted defendants' contingent motion to modify related scheduling deadlines.
STANDARD OF REVIEW	A district court's decision whether to modify a scheduling order is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Steven Davis, Joshua Antwine v. Brett Allred, Westport Community Improvement District, Allred Inc., Allred Holdings, LLC, Todd Gambal, The Roadhouse Group, Inc.

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiffs established good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and permit expert disclosures after the deadline.
2. Whether allowing the late expert disclosures would prejudice defendants.
3. Whether the related expert-designation and discovery deadlines should be modified if plaintiffs' motion was granted.

HOLDINGS

1. Plaintiffs demonstrated good cause because they acted diligently in attempting to obtain the financial records needed for the expert analysis and promptly finalized the reports after receiving the records.
2. Permitting the late disclosures would not cause sufficient prejudice to justify denying the motion because defendants retained time before their own expert deadline and discovery remained open.
3. The court modified the scheduling order by setting new deadlines for defendants' expert designation, rebuttal expert designation, discovery-dispute motions, completion of discovery, and dispositive motions.

KEY QUOTATIONS

“A scheduling order deadline may be modified “for good cause and with the judge’s consent.”” (Legal Standard)

““The primary measure of good cause is the movant’s diligence in attempting to meet the order’s requirements.”” (Legal Standard)

“Plaintiffs’ motion for leave to file expert disclosures out of time, (Doc. 27), is GRANTED, as to expert Brandon Comer and the attached expert reports, (Docs. 27-1, 27-2).” (Conclusion)

FACTUAL BACKGROUND

The scheduling order required plaintiffs to designate experts by March 30, 2026, but plaintiffs did not meet that deadline. Plaintiffs asserted that final financial materials needed for the damages analysis were unavailable and that Steven Davis lacked the credentials and account authorization necessary to obtain deposited-check records from BOK Financial. Davis stated that he sought the records repeatedly from late February through early April, and plaintiffs finalized and submitted the expert reports less than two weeks after the deadline.

PROCEDURAL HISTORY

Plaintiffs filed the complaint on July 30, 2025. The court entered a scheduling order on February 3, 2026, setting March 30, 2026, as the deadline for plaintiffs' expert designations. Plaintiffs filed their motion for leave on April 10, 2026, attaching the expert reports. After briefing, the court found good cause and diligence, granted the motion as to expert Brandon Comer and the attached reports, and modified defendants' expert and discovery deadlines.

DISPOSITION

other

CASES CITED

- Sherman v. Winco Fireworks, Inc., 532 F.3d 709, 716 (8th Cir. 2008)
- Petrone v. Werner Enters., 940 F.3d 425, 433-434 (8th Cir. 2019)
- Clark v. Phelps Cnty., No. 4:20-cv-716 PLC, 2022 WL 2208948, at *5 (E.D. Mo. June 21, 2022)
- Koester v. Mid Rivers Mall CMBS, LLC, No. 4:23-cv-01306-SPM, 2024 WL 4474855, at *4 (E.D. Mo. Oct. 11, 2024)
- Euphoric LLC et al. v. Westport Community Improvement District et al., 4:25-cv-00023-RK (W.D. Mo. Dec. 1, 2025) (doc. 268)

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