

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Caputo v. Amazon.com Services, LLC, et al.

Caputo · No. 1:23-cv-01346-KES-CDB · Decided April 8, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Amazon.com Services, LLC’s motion to exclude Plaintiff Patricia Caputo’s retained and non-retained expert witnesses under Federal Rules of Civil Procedure 26 and 37. The court found that the expert disclosures were untimely and deficient, and that permitting the experts would be prejudicial and disruptive to the case schedule. The court denied Defendant’s request to continue the pretrial conference and trial dates.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 8, 2025
DOCKET	1:23-cv-01346-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Amazon.com Services, LLC moved under Federal Rules of Civil Procedure 26(a)(2) and 37 to exclude plaintiff's retained and non-retained expert witnesses and requested a continuance of the pretrial and trial dates. The court resolved the motion without oral argument.
STANDARD OF REVIEW	The court exercised discretion under Rule 37(c)(1) to determine whether exclusion was warranted, considering substantial justification, harmlessness, prejudice or surprise, the ability to cure prejudice, disruption of trial, and bad faith or willfulness. A request to continue the trial required a showing of good cause.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Patricia Caputo v. Amazon.com Services, LLC, Sedgwick Claims Management Services, Inc.

TOPICS

- discovery dispute
- sanctions
- civil procedure
- employment discrimination
- ada / disability

PRACTICE AREAS

civil procedure

employment law

disability discrimination

civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's retained-expert disclosure complied with Federal Rule of Civil Procedure 26(a)(2)(B).
2. Whether plaintiff's non-retained-expert disclosures complied with Federal Rule of Civil Procedure 26(a)(2)(C).
3. Whether plaintiff's disclosure failures were substantially justified or harmless such that exclusion under Rule 37(c)(1) was unwarranted.
4. Whether good cause supported defendant's requested continuance of the pretrial conference and trial.

HOLDINGS

1. Plaintiff's disclosure of Dr. Nolan did not comply with Rule 26(a)(2)(B) because it omitted all required information concerning the expert's opinions, bases and reasons, relied-upon facts and data, qualifications, publications, prior testimony, and compensation until after the expert-discovery deadline.
2. Plaintiff's disclosures for the non-retained treating providers did not comply with Rule 26(a)(2)(C) because they identified the subject matter of testimony but failed to summarize the facts and opinions to which the witnesses were expected to testify.
3. Exclusion of plaintiff's retained and non-retained expert witnesses was warranted because plaintiff's disclosure failures were neither substantially justified nor harmless.
4. Defendant failed to demonstrate good cause for continuing the pretrial conference and trial dates, so the request for a continuance was denied.

KEY QUOTATIONS

“Rule 37(c)(1) gives teeth to these requirements by forbidding the use at trial of any information required to be disclosed by Rule 26(a) that is not properly disclosed.” (Discussion § B)

“Plaintiff shall be precluded from presenting the testimony of the retained and non-retained experts identified in her initial and supplemental Rule 26(a)(2) disclosures” (Conclusion and Order)

FACTUAL BACKGROUND

Plaintiff disclosed a retained expert, Dr. Jacqueline Nolan, on the initial expert-disclosure deadline but expressly withheld the information required by Rule 26(a)(2)(B), including opinions, bases, qualifications, publications, prior testimony, and compensation. Plaintiff also identified eight non-retained treating medical providers but supplied only generalized descriptions of their anticipated testimony, without the required summary of facts and opinions. Dr. Nolan did not examine plaintiff until January 15, 2025, and the required report was not produced until nine days after expert discovery closed. Allowing the late disclosures would have required reopening expert discovery and altering non-dispositive and dispositive-motion deadlines.

PROCEDURAL HISTORY

Plaintiff commenced the action in the Kern County Superior Court asserting California FEHA disability-discrimination, interactive-process, reasonable-accommodation, and retaliation claims. The action was removed to federal court, and plaintiff later filed an amended complaint adding Sedgwick Claims Management Services, Inc. The federal court entered amended scheduling deadlines for expert disclosures and discovery. Plaintiff's disclosures were timely as to witness identities but deficient as to required content, and her retained expert's required materials were not produced until after expert discovery closed. The court granted the exclusion request but denied the request to continue the pretrial and trial dates.

DISPOSITION

other

CASES CITED

- Gorrell v. Sneath, No. 1:12-cv-0554-JLT, 2013 WL 4517902, at *1 (E.D. Cal. Aug. 26, 2013)
- Yeti by Molly, Ltd. v. Deckers Outdoor Corp., 259 F.3d 1101, 1106 (9th Cir. 2001)
- Lanard Toys Ltd. v. Novelty, Inc., 375 Fed. Appx. 705, 713 (9th Cir. 2010)
- David v. Caterpillar, Inc., 324 F.3d 851, 857 (7th Cir. 2003)
- R & R Sails, Inc. v. Ins. Co. of Pa., 673 F.3d 1240, 1246 (9th Cir. 2012)
- Bonzani v. Shinseki, No. 2:11-CV-0007-EFB, 2014 WL 66529, at *3 (E.D. Cal. Jan. 8, 2014)
- Green v. Qatar Airways Co., No. 2:19-cv-07950-SVW-MAA (C.D. Cal. Nov. 13, 2020)
- Alfaro v. D. Las Vegas, Inc., No. 2:15-cv-02190-MMD-PAL (D. Nev. Aug. 24, 2016), 2016 WL 4473421, at *13
- Pineda v. City and Cnty. of San Francisco, 280 F.R.D. 517, 523 (N.D. Cal. 2012)
- Yeager v. Yeager, No. 2:06-cv-001196-JAM-EFB, 2009 WL 1159175, at *2 (E.D. Cal. Apr. 29, 2009)
- Link v. Wabash R. Co., 370 U.S. 626, 633-34 (1962)
- Capers v. One Beacon Ins. Co., No. CV 07-95-M-DWM-JCL, 2008 WL 11347926, at *2 (D. Mont. June 30, 2008)
- Voyager Indemnity Ins. Co. v. Zalman N., Inc., 668 F. Supp. 3d 990, 998-99 (C.D. Cal. 2023)
- Paulissen v. U.S. Life Ins. Co., 205 F. Supp. 2d 1120, 1125-26 (C.D. Cal. 2002)
- Wong v. Regents of Univ. of Cal., 410 F.3d 1052, 1062 (9th Cir. 2005)
- Jarritos, Inc. v. Reyes, 345 Fed. Appx. 215, 217 (9th Cir. 2009)