

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
ILLINOIS, ROCK ISLAND DIVISION

Brandon Motton v. Cory Ruark

Motton v. Ruark · No. 4:21-cv-04093 · Decided January 9, 2026

SUMMARY

The United States District Court for the Central District of Illinois denied Plaintiff Brandon Motton’s motion for partial reconsideration concerning the exclusion of certain expert testimony. The court also sustained Motton’s objection to Defendant Cory Ruark calling Brett Josie as a trial witness, finding that Ruark failed to disclose Josie under Federal Rule of Civil Procedure 26 and did not establish that the omission was substantially justified or harmless.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of Illinois, Rock Island Division                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Ronald L. Hanna                                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Central District of Illinois, Rock Island Division                                                                                                                                                                                                                                               |
| DECIDED               | January 9, 2026                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 4:21-cv-04093                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff moved for partial reconsideration of an interlocutory order excluding portions of expert testimony and objected to Defendant calling a witness allegedly omitted from Rule 26 disclosures.                                                                                                                                  |
| STANDARD OF REVIEW    | An interlocutory order may be reconsidered before final judgment to correct manifest errors of law or fact or to consider newly discovered evidence. Under Federal Rule of Civil Procedure 37(c)(1), exclusion of an undisclosed witness is automatic and mandatory unless the nondisclosure was substantially justified or harmless. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                       |

TOPICS

- motion for reconsideration
- discovery dispute
- expert testimony
- evidence
- section 1983

## PRACTICE AREAS

civil procedure

evidence

civil rights

constitutional law

## QUESTIONS PRESENTED

1. Whether the court should reconsider its interlocutory exclusion of expert testimony concerning the operational meaning of segregated housing, typical inmate movement practices, and expert findings nos. 3 and 4.
2. Whether Defendant should be barred under Federal Rules of Civil Procedure 26 and 37(c)(1) from calling Brett Josie as a trial witness because he was not disclosed and the nondisclosure was neither substantially justified nor harmless.

## HOLDINGS

1. Reconsideration was unwarranted because Plaintiff did not show a manifest error of law or fact, newly discovered evidence, or a material misapprehension of the factual dispute. Expert testimony framed around national standards, institutional policies, typical escort practices, or reasonable-officer requirements was properly excluded because it could substitute policy-based norms for the constitutional objective-reasonableness standard.
2. Defendant was prohibited from calling Brett Josie as a witness at trial because Defendant failed to disclose him as required by Rule 26, Plaintiff's litigation strategy was affected, and Defendant did not establish that the omission was substantially justified or harmless.

## KEY QUOTATIONS

*"The Court continues to find that expert testimony framed in terms of national standards, institutional policies, or "reasonable officer" requirements risks inviting the jury to substitute policy-based norms for the constitutional standard of objective reasonableness."* (Order's reconsideration section)

*"Exclusion is "automatic and mandatory" unless the noncomplying party can show its violation was either justified or harmless."* (Order's witness section)

*"Defendant Ruark is prohibited from calling Mr. Josie as a witness at trial."* (Disposition)

## FACTUAL BACKGROUND

The underlying action concerns alleged harm to Plaintiff while housed in segregated confinement at the Rock Island County Jail. Plaintiff sought to present expert testimony about segregation practices, inmate movement, and whether escorts were typical, while the court concluded that such testimony risked importing policy-based norms into the constitutional objective-reasonableness inquiry. Defendant also intended to call Brett Josie at trial but had not identified him in his Rule 26 disclosures, and Plaintiff asserted that the omission affected his decision not to depose Josie and prejudiced his litigation strategy.

## PROCEDURAL HISTORY

The court had previously ruled on Defendant's Motion in Limine No. 10 and excluded expert testimony concerning certain expert findings. At a final pretrial conference, Plaintiff objected to Defendant's proposed use of Brett Josie as a witness because Defendant had not identified him in Rule 26 disclosures. After directing the parties to submit authority on the witness issue, the court denied reconsideration and sustained Plaintiff's objection.

## DISPOSITION

other

## CASES CITED

- Terry v. Spencer, 888 F.3d 890, 893 (7th Cir. 2018)
- Caisse Nationale de Credit Agricole v. CBI Industries, Inc., 90 F.3d 1264, 1269 (7th Cir. 1996)
- Giles v. Tobeck, 895 F.3d 510 (7th Cir. 2018)
- Thompson v. City of Chicago, 472 F.3d 444 (7th Cir. 2006)
- United States v. Brown, 871 F.3d 532 (7th Cir. 2017)
- Davis v. Rook, 107 F.4th 777, 780-81 (7th Cir. 2024)
- Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015)
- Kemp v. Fulton County, 27 F.4th 491, 496 (7th Cir. 2022)
- Thomas v. Dart, 39 F.4th 835, 842 (7th Cir. 2022)
- David v. Caterpillar, Inc., 324 F.3d 851, 857 (7th Cir. 2003)