

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Ezekiel McCarthy, et al. v. Jett Trucking LLC

McCarthy v. Jett Trucking LLC, No. 1:24-cv-02268-JRS-MJD (S.D. Ind. Mar. 23, 2026) · No. 1:24-cv-02268-JRS-MJD · Decided March 23, 2026

SUMMARY

The United States District Court for the Southern District of Indiana grants Plaintiffs' motion for leave to disclose Richard Ruth, P.E., as a rebuttal expert in a motor-vehicle accident case. The Court finds excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B) and reopens discovery for the limited purposes of producing Ruth's file and allowing Defendant to depose him, while declining to continue the trial.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	Mark J. Dinsmore
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	March 23, 2026
DOCKET	1:24-cv-02268-JRS-MJD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for leave to disclose a rebuttal expert after the deadline established by Federal Rule of Civil Procedure 26(a)(2)(D) (ii).
STANDARD OF REVIEW	The court applied the discretionary excusable-neglect standard under Federal Rule of Civil Procedure 6(b)(1)(B), considering all relevant circumstances, including prejudice, the length and reason for the delay, and the policy favoring decisions on the merits.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- expert testimony
- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs demonstrated excusable neglect warranting an extension of the deadline for designating a rebuttal expert under Federal Rule of Civil Procedure 6(b)(1)(B).
2. Whether the requested extension could be granted without undue prejudice to Defendant.

HOLDINGS

1. Plaintiffs established excusable neglect because their decision not to obtain a rebuttal report before the deadline was reasonable in light of the basis stated in Dr. Metzler's report, and the need for rebuttal became apparent only after her deposition expanded the stated basis for her opinion.
2. The motion could be granted without undue prejudice because the court reopened discovery for the limited purpose of allowing Defendant to obtain Plaintiffs' rebuttal expert's file and depose the expert, while preserving the existing trial date.
3. Rule 6(b)(1)(B) was the applicable rule because Plaintiffs sought leave to disclose a rebuttal expert after the designation deadline; alternatively, the result would be the same under Rule 37(c)(1) because the failure was substantially justified or harmless.

KEY QUOTATIONS

“In a sliding, sideswipe type of impact such as that experienced by the Crown Victoria in the subject accident, the precise zero timepoint for the impact has a high degree of uncertainty.” (Dkt. 69 at 17)

“To ameliorate that prejudice, the Court hereby REOPENS discovery for the sole purpose of permitting Defendant to obtain Ruth's file—which Plaintiffs have agreed to produce—and depose Ruth.” (Order's concluding paragraphs)

FACTUAL BACKGROUND

The case arises from a motor-vehicle accident involving Plaintiff Ezekiel McCarthy and an employee of Defendant Jett Trucking LLC, with fault disputed. Defendant's liability expert, Dr. Sandra Metzler, opined about vehicle data and the uncertainty of the zero timepoint in a sliding sideswipe collision. After reviewing the cited literature and deposing Dr. Metzler, Plaintiffs concluded that her deposition testimony relied on a broader basis than the literature cited in her report and sought to designate Richard Ruth, P.E., as a rebuttal expert.

PROCEDURAL HISTORY

Plaintiffs served their liability expert report on October 6, 2025, and Defendant served Dr. Sandra Metzler's liability expert report on November 4, 2025. Plaintiffs deposed Dr. Metzler on January 28, 2026, and thereafter determined that her testimony expanded the basis for opinions stated in her report, making a rebuttal expert necessary. Plaintiffs moved for leave on February 18, 2026. The court granted the motion, reopened discovery for the limited purpose of allowing Defendant to obtain and depose the rebuttal expert, and declined to continue the July 6, 2026 trial.

DISPOSITION

other

CASES CITED

- Mayle v. State of Illinois, 956 F.3d 966, 969 (7th Cir. 2020)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 392, 395 (1993)
- Bowman v. Korte, 962 F.3d 995, 998 (7th Cir. 2020)
- Harris v. Melchor, 2025 WL 972467, at *3 (7th Cir. Apr. 1, 2025)
- Cracco v. Vitran Express, Inc., 559 F.3d 625, 631 (7th Cir. 2009)

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