

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Charles Kaleb Vanlandingham, Administrator for the Estate of
Charles Lamar Vanlandingham v. The City of Oklahoma City, et al.

Vanlandingham · No. CIV-22-209-D · Decided March 18, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma considers motions to exclude and strike the opinions of defense expert Jim Morrissey in litigation arising from Charles Lamar Vanlandingham’s death. The court finds the supplemental expert report timely under Federal Rule of Civil Procedure 26(e)(2), and holds that some opinions lack a sufficiently explained basis while others satisfy the reliability requirement under Federal Rule of Evidence 702 and Daubert. The motion to exclude is granted in part and denied in part, and the motion to strike is denied as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 18, 2026
DOCKET	CIV-22-209-D
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to exclude the opinions of Jim Morrissey under Federal Rule of Evidence 702 and Daubert and moved to strike him as an expert witness for alleged failure to timely supplement his report under Federal Rule of Civil Procedure 26(e)(2).
STANDARD OF REVIEW	The court applied the Federal Rule of Evidence 702 and Daubert standard for determining the admissibility of expert testimony, including qualification, reliability, and relevance. The proponent bears the burden of establishing admissibility.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than precedential
PARTIES	Charles Kaleb Vanlandingham, Administrator for the Estate of Charles Lamar Vanlandingham v. The City of Oklahoma City, Officer Brandon Lee, American Medical Response Ambulance Service, Inc.

TOPICS

expert testimony

daubert standard

discovery dispute

evidence

civil procedure

PRACTICE AREAS

Evidence

Civil Procedure

Expert testimony

QUESTIONS PRESENTED

1. Whether Morrissey's supplemental expert report was timely under Federal Rule of Civil Procedure 26(e)(2).
2. Whether Morrissey's opinions were sufficiently reliable and relevant for admission under Federal Rule of Evidence 702 and Daubert.
3. Whether Morrissey should be stricken as an expert witness.

HOLDINGS

1. The supplemental report was timely under Federal Rule of Civil Procedure 26(e)(2) because the deadline for deposition designations, which are among the Rule 26(a)(3) pretrial disclosures, had not expired.
2. An expert's generalized assertion that an opinion is based on experience in emergency medical services, without explaining how that experience led to the conclusion, is insufficient to establish reliability under Rule 702 and Daubert.
3. References to identified paramedic textbooks and State of Oklahoma EMS Protocols were barely sufficient to establish a reliable basis for opinions applying those standards; references to those materials together with explained relevant experience were sufficient for opinions supported by the third stated basis.

KEY QUOTATIONS

"Morrissey's experience in emergency medical services, standing alone, is not sufficient to support his opinions."

"Again, Plaintiff's issues with a perceived lack of information or the conclusions Morrissey derived therefrom, are directed to the weight of the evidence, not the reliability of his opinions."

FACTUAL BACKGROUND

The litigation arises from the death of Charles Lamar Vanlandingham in September 2019. Plaintiff asserts claims against the City of Oklahoma City, Officer Brandon Lee, and American Medical Response Ambulance Service, Inc. AMRAS disclosed an expert report and supplemental report by Jim Morrissey, an EMT-paramedic, concerning the emergency medical response to the incident. The supplemental report expanded four opinions and provided additional explanations of their purported bases.

PROCEDURAL HISTORY

During discovery, Defendant American Medical Response Ambulance Service, Inc. disclosed an expert report by Jim Morrissey. Morrissey issued a supplemental report after certain final witness and exhibit-list deadlines had passed but before the deadline for deposition designations. The district court resolved Plaintiff's motions without a hearing, finding the supplemental report timely, granting the motion to exclude in part and denying it in part, and denying the motion to strike as moot.

DISPOSITION

other

CASES CITED

- Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579 (1993)
- 103 Investors I, L.P. v. Square D Co., 470 F.3d 985, 990 (10th Cir. 2006)
- Ralston v. Smith & Nephew Richards, Inc., 275 F.3d 965, 969 (10th Cir. 2001)
- United States v. Nacchio, 555 F.3d 1234, 1241 (10th Cir. 2009)
- Northstar Mgmt., Inc. v. Vorel, No. CIV-19-260-SLP, Doc. No. 209, at *5-6 (W.D. Okla. Nov. 15, 2022)
- Threet v. Corr. Health Care Mgmt. of Oklahoma, Inc., No. CIV-07-943-HE, 2009 WL 3335596, at *4-5 (W.D. Okla. Oct. 15, 2009)
- Gen. Elec. Co. v. Joiner, 522 U.S. 136, 146 (1997)
- United States v. Medina-Copete, 757 F.3d 1092, 1104 (10th Cir. 2014)
- Robinson v. Mo. Pac. R.R. Co., 16 F.3d 1083, 1090 (10th Cir. 1994)

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