

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Brenda Hillman, et al. v. Gree USA, Inc., et al.

Hillman · No. 4:23-cv-00830-SEP · Decided March 30, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied Plaintiffs’ motion to strike errata sheets submitted by three defense experts under Federal Rule of Civil Procedure 30(e). The court held that Rule 30(e) permits changes in form or substance when accompanied by a statement listing the changes and reasons, while emphasizing that the original deposition testimony remains part of the record and may be used for cross-examination.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Sarah E. Pitlyk
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	March 30, 2026
DOCKET	4:23-cv-00830-SEP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to strike errata sheets submitted by three defense experts after their depositions. The court denied the motion.
STANDARD OF REVIEW	The court interpreted the text of Federal Rule of Civil Procedure 30(e); no deferential standard of review was stated.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Brenda Hillman et al. v. Gree USA, Inc. et al.

TOPICS

- discovery dispute
- evidence
- civil procedure

PRACTICE AREAS

- civil procedure
- evidence

QUESTIONS PRESENTED

1. Whether Federal Rule of Civil Procedure 30(e) permits deponents to make substantive or contradictory changes to their deposition testimony through errata sheets.
2. Whether the challenged expert errata sheets should be stricken because they materially changed the experts' original testimony.

HOLDINGS

1. Federal Rule of Civil Procedure 30(e), which permits a deponent to make changes in form or substance and provide reasons for those changes, does not impose an extratextual limitation barring substantive or contradictory changes.
2. The challenged errata sheets were not subject to being stricken because the experts made changes in form or substance and signed statements giving reasons for the changes, as required by Rule 30(e).

KEY QUOTATIONS

“Defendants’ experts may make “changes in form or substance” to their deposition testimony, provided that they have “sign[ed] a statement listing the changes and the reasons for making them.”” (at 2)

“Each deponent’s original deposition testimony, the changes he made after-the-fact, and the reasons he offered for those changes will be fodder for cross-examination at trial.” (at 3)

FACTUAL BACKGROUND

Three defense experts submitted errata sheets modifying their deposition testimony. Plaintiffs characterized some modifications as material changes or contradictions, including a proposed reversal concerning whether one expert had reviewed plaintiffs' expert reports and a clarification concerning the expert's knowledge of buckets near a dehumidifier. The court found that most changes were clarifications overlapping with other testimony and that plaintiffs had not shown how the changes would be used to create a sham factual dispute or otherwise prejudice cross-examination.

PROCEDURAL HISTORY

Plaintiffs challenged proposed changes to the deposition testimony of Todd Soong, Carlos Fernandez-Pello, and Arrash Hajjam, arguing that the changes were material and contradictory. Defendants relied on Federal Rule of Civil Procedure 30(e). The district court concluded that Rule 30(e) permits changes in form or substance and denied the motion to strike.

DISPOSITION

other

CASES CITED

- Podell v. Citicorp Diners Club, Inc., 112 F.3d 98, 103 (2d Cir. 1997)
- Pina v. Children's Place, 740 F.3d 785, 791-92 (1st Cir. 2014)

- EBC, Inc. v. Clark Building Systems, Inc., 618 F.3d 253, 276-268 (3d Cir. 2010)
- Hambleton Bros. Lumber Co. v. Balkin Enterprises, Inc., 397 F.3d 1217, 1225 (9th Cir. 2005)
- Sinclair Wyoming Refining Co. v. A & B Builders, Ltd., 989 F.3d 747, 784 (10th Cir. 2021)
- Thorn v. Sundstrand Aerospace Corp., 207 F.3d 383, 389 (7th Cir. 2000)
- Great Lakes Insurance SE v. Wave Cruiser LLC, 36 F.4th 1346, 1357 n.7 (11th Cir. 2022)
- Trout v. FirstEnergy Generation Corp., 339 F. App'x 560, 565 (6th Cir. 2009)
- Lugtig v. Thomas, 89 F.R.D. 639, 641-42 (N.D. Ill. 1981)
- Ramirez v. Bolster & Jeffries Health Care Group, LLC, 2016 WL 4132294, at *3 (W.D. Ky. Aug. 3, 2016)
- Burns v. Board of County Commissioners of Jackson County, 330 F.3d 1275, 1281-82 (10th Cir. 2003)
- Greenway v. International Paper Co., 144 F.R.D. 322, 325 (W.D. La. 1992)
- Green v. Missouri, 734 F. Supp. 2d 814, 848 (E.D. Mo. 2010)
- Barham v. Reliance Standard Life Insurance Co., 441 F.3d 581, 584 (8th Cir. 2006)
- Green v. Nocciro, 676 F.3d 748 (8th Cir. 2012)
- Downing v. J.C. Penney, Inc., 2012 WL 4358628, at *9 n.4 (E.D. Mich. Sept. 23, 2012)
- Norelus v. Denny, 628 F.3d 1270, 1305 (11th Cir. 2010) (Tjoflat, J., dissenting)

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