

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, ALEXANDRIA DIVISION

**Shirley Ducote, Austin Ducote, and Shelby Ducote v. Caterpillar Inc.,
et al.**

Ducote · No. 1:23-CV-00672 · Decided January 29, 2026

SUMMARY

The court denied Caterpillar Inc.'s motion to reconsider an order extending the deadline for the Ducotes to disclose expert reports. Applying Federal Rules of Civil Procedure 16(b)(4) and 54(b), the court found that the Ducotes had shown good cause, diligence, and sufficient justification for the extension, and that any prejudice to Caterpillar was outweighed by the other factors.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	Joseph H.L. Perez-Montes
JURISDICTION	United States District Court for the Western District of Louisiana, Alexandria Division
DECIDED	January 29, 2026
DOCKET	1:23-CV-00672
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Caterpillar Inc. moved under Federal Rule of Civil Procedure 54(b) for reconsideration of the court's interlocutory order extending plaintiffs' deadline to disclose expert reports. The court denied reconsideration.
STANDARD OF REVIEW	An interlocutory order may be reconsidered under Federal Rule of Civil Procedure 54(b) for any reason the court deems sufficient. Modification of a scheduling order under Rule 16(b)(4) requires good cause and the judge's consent, with the movant required to show that the deadline could not reasonably be met despite diligence.
PRECEDENTIAL VALUE	Unknown

TOPICS

motion for reconsideration

discovery dispute

civil procedure

PRACTICE AREAS

civil procedure

discovery

expert disclosures

QUESTIONS PRESENTED

1. Whether the court should reconsider its interlocutory order extending plaintiffs' expert-report disclosure deadline.
2. Whether plaintiffs demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) for modifying the scheduling order.

HOLDINGS

1. Plaintiffs established good cause under Federal Rule of Civil Procedure 16(b)(4) for extending their expert-report disclosure deadline because their explanation was sufficient, they acted diligently, the extension was important, and any prejudice to Caterpillar was outweighed by the other factors.
2. Reconsideration was unwarranted because, after reexamining the issue and the parties' briefing, the court continued to find good cause for the extension and no sufficient reason to alter its prior order.

KEY QUOTATIONS

"Under Rule 54(b), the trial court is free to reconsider and reverse its decision for any reason it deems sufficient, even in the absence of new evidence or an intervening change in or clarification of the substantive law." (II)

"A scheduling order "may be modified only for good cause and with the judge's consent."" (II)

"show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension." (II)

FACTUAL BACKGROUND

Plaintiffs sought additional time to disclose expert reports because Caterpillar had not fully responded to discovery and had conditioned production of certain documents on entry of a protective order. Although plaintiffs submitted expert reports by the original deadline, they represented that the submissions were made out of caution while their extension request remained unresolved and that the reports were not comprehensive. The court found that plaintiffs had diligently attempted to meet the deadline, that the requested extension was important, and that any prejudice to Caterpillar was outweighed by the other factors.

PROCEDURAL HISTORY

Plaintiffs moved to extend the deadline for producing expert reports because Caterpillar's discovery responses were incomplete and certain documents had not been produced without a protective order. The court granted the extension before Caterpillar filed its opposition. Caterpillar then moved for reconsideration, while also obtaining

a protective order; after reconsidering the parties' briefing, the court denied the motion and left the extension in place.

DISPOSITION

other

CASES CITED

- 184 Fed. App'x 366, 369 (5th Cir. 2006)
- 372 F.3d 326, 328 (5th Cir. 2004)
- 969 F.3d 219, 227 (5th Cir. 2020)
- 864 F.3d 326, 336 (5th Cir. 2017)
- 2021 WL 2446203, at *3 (E.D. La. June 15, 2021)
- 315 F.3d 533, 535 (5th Cir. 2003)

OPINION

a UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA ALEXANDRIA DIVISION SHIRLEY DUCOTE ET AL, CIVIL DOCKET NO. 1:23-CV-00672 Plaintiff VERSUS JUDGE DRELL CATERPILLAR INC ET AL, MAGISTRATE JUDGE PEREZ-MONTES Defendants MEMORANDUM ORDER Before the Court is a Motion for Reconsideration of this Court's Order granting a Motion to Amend Plan of Work filed by Defendant Caterpillar Inc. ('Caterpillar').

ECF No. 71. Plaintiffs Shirley Ducote, Austin Ducote, and Shelby Ducote (collectively, 'Ducotes') filed an opposition to which Caterpillar replied. ECF Nos. 78 & 80. Because the Court finds no sufficient reason for reconsidering its previous Order, Defendant Caterpillar Inc.'s Motion for Reconsideration is DENIED.

I. Background On December 13, 2024, the Ducotes filed a motion to extend the December 16, 2024, deadline to produce their expert reports. ECF No. 69. The Ducotes represented that Caterpillar informed them it would not produce several documents without a protective order in place. ECF No. 69-1 at 1.

The Ducotes argued their experts needed to review the undisclosed documents to form their opinions and reports. at 3. Therefore, the Ducotes argued they had good cause for an extension of the deadline to produce expert reports. at 3-6. That same day, Caterpillar informed the Court's Courtroom Deputy that it opposed the motion and intended to file an opposition.

ECF No. 71-2. On December 23, 2024, prior to Caterpillar filing its opposition, the Court granted the Ducotes' motion and extended the deadline for the Ducotes' disclosure of expert reports to

thirty days after they received Caterpillar's full discovery responses. ECF No. 70. That same day, Caterpillar filed the instant Motion for Reconsideration. ECF No. 71.

In this motion, Caterpillar argues the Court should reconsider its order because (1) the Ducotes' own failure to timely execute Caterpillar's proposed protective order is the reason for the delay in disclosure, (2) the Ducotes submitted expert reports on December 16, 2024, (3) Caterpillar would be prejudiced by an extension, and (4) the Ducotes failed to request an extension or to compel the production of those documents at an earlier point.

ECF No. 71-1 at 7-10. Caterpillar contemporaneously filed a Motion for Protective Order, which this Court granted. ECF Nos. 72 & 74. In response, the Ducotes argue Caterpillar improperly attempts to shift the burden of seeking a protective order to them and has still failed to submit adequate responses following the issuance of a protective order. ECF No. 78 at 2.

The Ducotes additionally represent that the December 16, 2024, expert reports were produced "[o]ut of an abundance of caution." at 3. Finally, the Ducotes argue Caterpillar is not prejudiced by the extension because its own expert disclosure deadline has been extended.

In reply, Caterpillar maintains the Ducotes have failed to establish they could not meet the expert disclosure deadline despite their due diligence. ECF No. 80 at 1. II. Law and Analysis No Federal Rule of Civil Procedure specifically applies to a motion to reconsider., 184 Fed. App'x. 366, 369 (5th Cir. 2006);, 372 F.3d 326, 328 (5th Cir. 2004). A district court may reconsider an interlocutory order pursuant to Federal Rule of Civil Procedure 54(b), which allows courts to revise "any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties... before the entry of judgment." Fed.

R. Civ. P. 54(b). "Under Rule 54(b), the trial court is free to reconsider and reverse its decision for any reason it deems sufficient, even in the absence of new evidence or an intervening change in or clarification of the substantive law.", 969 F.3d 219, 227 (5th Cir. 2020) (quoting, 864 F.3d 326, 336 (5th Cir. 2017)).

Here, Caterpillar seeks reconsideration of this Court's order granting a motion to extend the expert report disclosure deadline in the plan of work. ECF No. 71. A scheduling order "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). Courts consider four factors to determine whether the movant has established good cause: "(1) the movant's explanation for failing to meet the deadline; (2) the importance of the requested relief; (3) the potential prejudice in granting the relief sought; and (4) the availability of a continuance to cure such prejudice.", No. 19-CV-10356, 2021 WL 2446203, at *3 (E.D.

La. June 15, 2021). Importantly, the party moving to modify a scheduling order must "show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.", 315 F.3d 533, 535 (5th Cir. 2003) (quoting 6A Charles Alan Wright et al., Federal Practice and

Procedure § 1522.1 (2d ed. 1990)). Caterpillar essentially argues the Ducotes cannot show good cause because their explanation for the failure to meet the deadline is insufficient, the extension is not important because the Ducotes submitted expert reports by the deadline, and it would be prejudiced by any further extension.

ECF No. 71-1 at 7-10. The Court initially did not afford Caterpillar the opportunity to oppose the Ducotes' motion before finding the Ducotes had established good cause. That issue has now effectively been resolved. And having reexamined the issue and the parties' briefing, the Court still finds good cause for the Ducotes' requested extension.

To begin, the Ducotes explained they could not meet the expert report disclosure deadline because Caterpillar's discovery responses were incomplete. ECF No. 69. The Ducotes' failure to timely execute a protective order or to request judicial relief at an earlier point does not, as Caterpillar argues, mean they were not diligent in attempting to meet the deadline.

Notably, the Ducotes maintain that even with a protective order in place, Caterpillar "only released limited information" that did not "satisfy plaintiffs' outstanding discovery." ECF No. 78 at 2 (emphasis removed). Additionally, the record reflects that the Ducotes have been diligently working on this case since its inception, including actively attempting to remand this matter to state court.

Considering the record and the parties' briefing, the Court finds the Ducotes were diligent in attempting to meet the deadline at issue and that their explanation for an extension was sufficient. The Court further finds that the request for an extension was important. While the Ducotes submitted expert reports on December 16, 2024, they did so "[o]ut of an abundance of caution" because this Court had not ruled on their request for an extension. /d. at 3.

This submission does not negate the importance of a more comprehensive expert report. Finally, the Court finds any prejudice caused to Caterpillar by the granting of this continuance is outweighed by the other factors.

Therefore, the Court finds that good cause existed, and still exists, for an extension of the Ducotes' expert report disclosure deadline. Because the Ducotes had good cause to extend the deadline, the Court finds no sufficient reason for reconsidering its order granting the request for an extension.

III. Conclusion For the reasons given, IT IS ORDERED that Defendant Caterpillar Inc.'s Motion for Reconsideration [ECF No. 71] is DENIED.

SIGNED on Thursday, January 29, 2026. AL JOSEPH H.L. PEREZ-MONTES UNITED STATES
MAGISTRATE JUDGE