

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)

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