

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION

Tamesha Brewer v. Mbroh Engineering, Inc. and Anthony Mbroh

Brewer · No. 3:22-CV-1861-K · Decided December 2, 2025

SUMMARY

The United States District Court for the Northern District of Texas denied Defendants’ Motion for Partial Summary Judgment in an overtime-pay dispute. The Court struck a supplemental expert report and the appendix filed with Defendants’ reply because Defendants had not obtained leave to file new reply evidence and Plaintiff lacked a meaningful opportunity to respond. The Court concluded that genuine disputes of material fact remained regarding the overtime hours Plaintiff allegedly worked and the amount of overtime pay owed.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	Ed Kinkeade
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	December 2, 2025
DOCKET	3:22-CV-1861-K
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for partial summary judgment on Plaintiff's overtime-hours and overtime-pay claims. Plaintiff moved to strike a supplemental expert report submitted with Defendants' reply and sought leave to file a late Daubert motion.
STANDARD OF REVIEW	Summary judgment is required when the movant shows that there is no dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences were viewed in the light most favorable to the nonmovant, and disputed facts were resolved in Plaintiff's favor.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tamesha Brewer v. Mbroh Engineering, Inc., Anthony Mbroh

TOPICS

summary judgment

wage and hour

evidence

daubert standard

civil procedure

PRACTICE AREAS

civil procedure

employment law

wage and hour

evidence

QUESTIONS PRESENTED

1. Whether Defendants' supplemental expert report and accompanying reply appendix should be considered when Defendants filed them without obtaining leave of court and Plaintiff lacked a meaningful opportunity to respond.
2. Whether Defendants were entitled to partial summary judgment because Plaintiff allegedly lacked competent evidence creating a genuine dispute regarding the overtime hours she worked and the overtime compensation owed.
3. Whether Plaintiff should receive leave to file a late Daubert motion after the challenged supplemental report was struck.

HOLDINGS

1. A party must obtain leave of court before filing an appendix with a reply, and the court may strike or decline to consider new evidentiary materials submitted without leave when the nonmovant lacked a meaningful opportunity to respond.
2. Defendants were not entitled to partial summary judgment because they failed to establish the absence of a genuine dispute of material fact concerning the number of overtime hours Plaintiff allegedly worked and the amount of overtime pay she may be owed.
3. The court did not consider the declarations in deciding the summary-judgment motion, so Defendants' objections were overruled as moot without prejudice to renewal if the declarations were later presented or offered.

KEY QUOTATIONS

“A party must obtain leave of court before filing an appendix with a reply.”

“The Court *DENIES* Defendants’ Motion for Partial Summary Judgment.”

FACTUAL BACKGROUND

Plaintiff claimed that she worked overtime hours for Defendants and was owed overtime compensation. Defendants argued that Plaintiff could not present competent summary-judgment evidence creating a genuine dispute regarding the number of overtime hours worked or the amount owed. Defendants also submitted a supplemental expert report with their reply, and Plaintiff challenged that submission as improper new evidence.

PROCEDURAL HISTORY

Plaintiff opposed Defendants' motion for partial summary judgment and submitted supporting materials, including declarations. Defendants submitted a supplemental expert report with their reply without first obtaining leave of court. The district court struck the reply appendix, denied Plaintiff's motion for leave to file a late Daubert motion without prejudice, and denied Defendants' motion for partial summary judgment.

DISPOSITION

other

CASES CITED

- Spring Indus., Inc. v. Am. Motorists Ins. Co., 137 F.R.D. 238, 239 (N.D. Tex. 1991)
- Dethrow v. Parkland Health Hosp. Sys., 204 F.R.D. 102, 103-04 (N.D. Tex. 2001)
- Budri v. FirstFleet, Inc., 2020 WL 10816627, at *2 (N.D. Tex. June 10, 2020)
- Box v. Dallas Mexican Consulate Gen., Civ. Action No. 3:08-CV-1010-O, 2013 WL 12353108, at *2 (N.D. Tex. May 31, 2013)
- Owens v. Circassia Pharms., Inc., 33 F.4th 814, 824 (5th Cir. 2022)
- Scott v. Harris, 550 U.S. 372, 378 (2007)
- Trent v. Wade, 776 F.3d 368, 376 (5th Cir. 2015)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- ACE Am. Ins. Co. v. Freeport Welding & Fabricating, Inc., 699 F.3d 832, 839 (5th Cir. 2012)