

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI

Euphoric, LLC; The Sourze, LLC; and UNIKC, LLC v. Westport
Community Improvement District, A Non-Profit Missouri
Corporation; et al.

Euphoric · No. 4:25-cv-00023-RK · Decided June 22, 2026

SUMMARY

The United States District Court for the Western District of Missouri grants motions concerning extensions of expert-designation deadlines in light of a forthcoming amended scheduling order. The Court denies as moot a motion to designate experts before serving Rule 26(a)(2)(B) reports and denies without prejudice a motion to exclude portions of an expert report concerning certain plaintiffs. The Court also denies as moot a motion to amend briefing and orders counsel Cecilia J. Brown to show cause why sanctions should not be imposed for inaccurate, incomplete, and misleading legal citations.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri
WRITING FOR THE COURT	Roseann A. Ketchmark
JURISDICTION	United States District Court for the Western District of Missouri
DECIDED	June 22, 2026
DOCKET	4:25-cv-00023-RK
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving motions concerning expert-designation deadlines, expert disclosures, exclusion of expert testimony, amendment of briefing, and a show-cause proceeding concerning counsel's allegedly inaccurate and misleading legal citations.
STANDARD OF REVIEW	The court applied the standards under Federal Rules of Civil Procedure 6(b)(1)(A), 26(a)(2)(B), 37(c)(1), and the court's authority to address potentially sanctionable filings. For Rule 37(c)(1), the court considered whether the disclosure failure was substantially justified or harmless and recognized discretion to impose alternative sanctions.
PRECEDENTIAL VALUE	unknown

TOPICS

discovery dispute

sanctions

civil procedure

commercial litigation

motion to amend

PRACTICE AREAS

civil procedure

commercial litigation

expert discovery

attorney sanctions

QUESTIONS PRESENTED

1. Whether the parties' expert-designation deadlines should be extended.
2. Whether The Sourze could designate experts before serving the required Rule 26(a)(2)(B) reports.
3. Whether portions of Brandon L. Comer's expert report concerning Euphoric and UNIKC should be excluded under Rule 37(c)(1).
4. Whether The Sourze should be allowed to amend its opposition brief to correct citation inaccuracies.
5. Whether counsel Cecilia J. Brown should be ordered to show cause why sanctions should not be imposed for inaccurate, incomplete, and misleading citations.

HOLDINGS

1. The parties' motions to extend expert-designation deadlines were granted because the procedural posture, including the filing of a Third Amended Complaint and anticipated amended scheduling order, warranted revisiting the expert and discovery deadlines.
2. The Sourze's motion to designate experts before serving the required reports was denied as moot.
3. Westport Development's motion to exclude portions of Comer's report and anticipated testimony concerning Euphoric and UNIKC was denied without prejudice as premature because those plaintiffs had not yet sought to use the evidence on a motion, at a hearing, or at trial.
4. The Sourze's motion for leave to file an amended or corrected opposition brief was denied as moot.
5. Counsel Cecilia J. Brown was ordered to show cause why sanctions should not be imposed under Rule 11, 28 U.S.C. § 1927, and the court's inherent authority based on inaccurate, incomplete, and misleading citations and assertions in recent filings.

KEY QUOTATIONS

“Unless otherwise stipulated or ordered by the court, [an expert witness] disclosure must be accompanied by a written report” (Section II)

“If a party fails to provide information or identify a witness as required under Rule 26(a) or (2), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless.” (Section III)

“This case has been procedurally unique and has raised procedural issues uncommon to most cases. As this case has highlighted, scheduling order deadlines and the discovery procedures set out under the Federal Rules of Civil Procedure have meaning, must be followed, and will be enforced.” (Section III)

FACTUAL BACKGROUND

The Sourze sought additional time to complete expert reports for Dr. William Rogers and Brandon L. Comer because discovery from Kansas City and Westport Community Improvement District remained outstanding. The Sourze later designated Comer and served his report, which included opinions concerning all three plaintiffs, while Euphoric and UNIKC had missed their expert-designation deadline. The case then acquired a Third Amended Complaint, prompting the parties and court to anticipate an amended scheduling order extending discovery. The Sourze's briefing also contained allegedly inaccurate, incomplete, or misleading citations and quotations, including citations to authorities that did not support the propositions asserted.

PROCEDURAL HISTORY

Plaintiffs and defendants filed related motions concerning expert-designation deadlines and the report of Brandon L. Comer. The court granted the motions to extend expert-designation deadlines in light of a newly filed Third Amended Complaint and the anticipated amended scheduling order, denied as moot The Sourze's motion to designate experts before serving reports, and denied without prejudice Westport Development's motion to exclude portions of Comer's report concerning Euphoric and UNIKC. The court also denied as moot The Sourze's motion to amend its opposition brief and ordered counsel Cecilia J. Brown to show cause why sanctions should not be imposed.

DISPOSITION

other

CASES CITED

- *Petrone v. Werner Enters., Inc.*, 940 F.3d 425, 434-35 (8th Cir. 2019)
- *Vanderberg v. Petco Animal Supplies Stores, Inc.*, 906 F.3d 698, 705 (8th Cir. 2018)
- *Wegener v. Johnson*, 527 F.3d 687, 692 (8th Cir. 2008)
- *Margolin v. Nat'l Ass'n of Immigr. Judges*, 146 S. Ct. 1285, 1288, 608 U.S. __ (2026)
- *Frakes v. Rone Trucking, Inc.*, No. 13-05032-CV-SW-DGK, 2014 WL 12616945, at *1-*2 (W.D. Mo. Feb. 14, 2014)
- *Bonin v. Chadron Community Hospital*, 163 F.R.D. 656 (D. Neb. 1995)
- *Watson v. Argee Transport Co.*, No. 4:23-CV-00722-NCC, 2024 WL 1514294 (E.D. Mo. Apr. 5, 2024)
- *Earth to Go v. City of Richland*, 706 S.W.3d 310 (Mo. Ct. App. 2025)
- *Harvey v. Timber Resources, Inc.*, 37 S.W.3d 814, 818 (Mo. Ct. App. 2001)
- *BMK Corp. v. Clayton Corp.*, 226 S.W.3d 179, 195 (Mo. Ct. App. 2007)
- *Rodriguez v. United States*, 823 F.3d 593, 600-01 (8th Cir. 2016)
- *Consultus, LLC v. CPC Commodities*, No. 19-cv-00821-FJG, 2023 WL 5827222, at *4-*5 (W.D. Mo. Mar. 29, 2023)
- *Consultus, LLC v. CPC Commodities*, No. 19-cv-00821-FJG, 2023 WL 11950656 (W.D. Mo. Apr. 12, 2023)
- *Kudabeck v. Kroger Co.*, 338 F.3d 856, 861-63 (8th Cir. 2003)

- Wagner v. Hesston Corp., 450 F.3d 756, 758-59 (8th Cir. 2006)
- Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 758 (8th Cir. 2006)
- Foudy v. Miami-Dade County, 823 F.3d 590, 593 (11th Cir. 2016)

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