

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Jennifer Chaisson v. Walmart Inc., d/b/a Sam's Club and Sam's East,
Inc.

Chaisson · No. No. 25-718 · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted defendants’ unopposed motion to exclude plaintiff’s proposed lifecare planning expert, Kasey Crawford. The court held that plaintiff failed to provide the expert report required by Federal Rule of Civil Procedure 26(a)(2)(B) and did not show that the failure was substantially justified or harmless under Rule 37(c)(1).

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Barry W. Ashe
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 27, 2026
DOCKET	No. 25-718
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to exclude plaintiff's proposed lifecare-planning expert from trial for failure to make the expert disclosures required by Federal Rule of Civil Procedure 26(a)(2)(B) and the court's scheduling order. The unopposed motion was granted.
STANDARD OF REVIEW	A party's failure to comply with Rule 26 disclosure requirements is evaluated under the Fifth Circuit's four-factor standard addressing the importance of the testimony, prejudice to the opposing party, the possibility of curing prejudice through a continuance, and the explanation for the failure. The court also applied an abuse-of-discretion framework referenced in the cited authority.
PRECEDENTIAL VALUE	unknown

TOPICS

- expert testimony
- discovery dispute
- evidence
- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

evidence

negligence

premises liability

QUESTIONS PRESENTED

1. Whether plaintiff's proposed lifecare-planning expert should be excluded from trial for failure to provide the expert report required by Federal Rule of Civil Procedure 26(a)(2)(B) and the court's scheduling order.
2. Whether plaintiff's disclosure failure was substantially justified or harmless under Federal Rule of Civil Procedure 37(c)(1).

HOLDINGS

1. Because Crawford was a retained expert, plaintiff was required to provide a report complying with Rule 26(a)(2)(B). Providing only a curriculum vitae and a statement of proposed testimony did not satisfy that requirement.
2. Plaintiff's failure to comply with the expert-disclosure requirements was neither substantially justified nor shown to be harmless; therefore, Crawford was excluded from trial under Rule 37(c)(1) and the scheduling order.

KEY QUOTATIONS

“Rule 37(c)(1) states that, “[i]f a party fails to provide information or identify a witness as required by Rule 26(a) ..., 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.””

“To avoid abusing their discretion, courts must: (1) examine the importance of the witness’s testimony; (2) consider the prejudice, if any, to the opposing party of allowing the witness to testify; (3) decide whether there is a possibility of curing such prejudice by granting a continuance; and (4) consider the explanation, if any, for the party’s failure to comply with the discovery requirements.”

FACTUAL BACKGROUND

Chaisson alleges that on November 14, 2023, a slippery substance on the floor of the meat department at a Sam's Club in Harvey, Louisiana, caused her to slip and fall. She alleges that Walmart and Sam's East were negligent. Defendants sought to exclude lifecare-planning expert Kasey Crawford because plaintiff provided only Crawford's curriculum vitae and a statement of proposed testimony, rather than the expert report required for a retained expert.

PROCEDURAL HISTORY

Jennifer Chaisson brought a diversity negligence action arising from a slip-and-fall at a Sam's Club store. The court entered a scheduling order requiring plaintiff's expert disclosures by February 18, 2026. Plaintiff provided the proposed expert's curriculum vitae and a statement of proposed testimony but did not provide a compliant expert report, seek an extension, or oppose defendants' motion to exclude.

DISPOSITION

other

CASES CITED

- AX Wireless LLC v. Dell Inc., 2024 WL 1495784, at *1 (E.D. Tex. Apr. 5, 2024)
- Williams v. Louisiana, 2015 WL 5438596, at *5 (M.D. La. Sept. 14, 2015)
- Sierra Club, Lone Star Chapter v. Cedar Point Oil Co., 73 F.3d 546, 572 (5th Cir. 1996)

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