

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAVELIN INVESTMENTS, LLC, <i>ET AL.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action H-05-3379
	§	
ANGELA MCGINNIS AND MICHAEL	§	
MCGINNIS,	§	
<i>Defendants.</i>	§	

ORDER

By Order entered May 1, 2006, this court extended the deadline for the parties to designate expert witnesses based on the parties' agreed motion. The agreed motion evidenced an agreement to delay expert designations until after a ruling on the pending motion for summary judgment. Plaintiffs requested the unilateral right to designate experts early. The court granted the agreed extension, but declined to incorporate plaintiffs' request in its order, correctly anticipating that earlier designation by plaintiffs would generate confusion.

Plaintiffs designated experts on June 15. They now seek entry into defendants' house on July 7, 2005 for expert inspection. Defendants object to plaintiffs' request (Dkt. 77) and seek an order (Dkt. 78) enforcing the expert designation schedule contained in the May 1, 2006 order. Given the confusion as to the impact of plaintiffs' early designation on the obligations of defendants in light of the May 1, 2006 order, fairness dictates that defendants be given more time to designate experts and that the expert inspection be delayed until after they have done so. However, given plaintiffs desire to go forward with expert discovery

without regard to a ruling on the pending motion, the court will provide dates for designations and reports that are not dependent on the court's ruling.¹ It is therefore

ORDERED that defendants' motion (78) is granted in part and denied in part. Defendants shall designate experts on or before August 21, 2006. Plaintiffs' expert reports are due October 20, 2006. Defendants' expert reports are due November 20, 2006. The expert inspection shall take place at a mutually convenient time between August 21 and October 1, 2006.

Signed at Houston, Texas on June 20, 2006.



Stephen Wm Smith
United States Magistrate Judge

¹ A hearing on the pending motion is set for July 19, 2006.