

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ESTECH SYSTEMS, INC.,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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Case No. 2:20-cv-00123-JRG-RSP
(LEAD CASE)

ORDER

On July 23, 2021, the Court held a pretrial conference as well as a hearing on Plaintiff Estech Systems, Inc.’s Motion to Reconsider or Clarify Court’s Memorandum Opinion Regarding Plaintiff’s Damages Expert Report (“Motion to Reconsider”) (Dkt. No. 296). *See* Dkt. No. 300. The Court subsequently issued an Order to reset deadlines based on necessity of additional expert supplementation. Dkt. No. 299. On August 20, 2021, the Court held a scheduling conference at which time the Court informed the parties that consolidated case *Estech v. Wells Fargo & Company et. al.* (2:20-cv-00128-JRG-RSP) will be tried first, followed by *Estech v. BOKF, National Association* (2:20-cv-00126-JRG-RSP). The Court sets the following deadlines:

Date	Event
October 4, 2021	Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Gilstrap.
September 30, 2021	Pretrial Conference – 1 p.m. in Marshall, Texas before Judge Payne.
September 27, 2021	Reply to Dispositive Motions.
September 24, 2021	Response to Dispositive Motions.
September 21, 2021	File Dispositive Motions, based on supplemental expert reports.
September 17, 2021	Both Parties’ Complete Supplemental Expert Depositions.
September 8, 2021	Defendants Serve Rebuttal Supplemental Expert Reports, as described in August 20, 2021 Scheduling Conference.
August 25, 2021	Estech Serve Supplemental Expert Reports, as described in August 20, 2021 Scheduling Conference.

After consideration, the Court **GRANTS-IN-PART** Estech's Motion to Reconsider. Based on the reasoning provided at the July 23, 2021 pretrial conference, the Court grants Estech leave to amend Mr. Blok's opinions as detailed in their Motion to Reconsider, except Mr. Blok's paragraph 125. Estech has not convinced the Court that the opinions expressed in paragraph 125 are capable of being formed solely by Mr. Blok without the support of Mr. Platt.

During the August 20, 2021 hearing, the Defendants moved the Court to reconsider excluding John Toebas from testifying at trial. After consideration, the Court **GRANTS-IN-PART** Defendants' oral motion. The Court's previous Order relied on notice and disclosure concerns Estech raised at the earlier pretrial conference. Mr. Toebas has now been deposed twice, the trial has been delayed, and Estech has been adequately noticed as to the topics Mr. Toebas is knowledgeable. Mr. Toebas' testimony at trial, however, will be limited to the scope of his testimony in his previous depositions, similar to what would be expected from an expert report.

For clarity, as per Defendants' agreement during the August 20, 2021 scheduling conference, Defendants will not be permitted to supplement Dr. Magnussen's report.

SIGNED this 20th day of August, 2021.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE