

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALICE A. O'MULLANE, Individually and as	:	
Special Administrator for the Estate of	:	MDL 875
JAY B. O'MULLANE, Deceased,	:	
	:	E.D. Pa. Case No. 08-88676
v.	:	
	:	
A C AND S INC., et al.	:	

ORDER

And now this 2nd day of October, 2012, upon consideration of “Plaintiff’s Motion for Leave to Amend Plaintiff’s Statement on Expert Reports to Replace Mark Klein with Frank Ganzhorn and Extension of Time to File Medical Expert Report” (Doc. 128) the response (Doc. 134), and the reply (Docs. 138 & 145), and after an October 1, 2012 teleconference on the motion, it is hereby **ORDERED** that the motion is **DENIED**.¹

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

¹ Pursuant to a previous motion, we originally allowed an extension to file this expert report from August 13, 2012 to August 24, 2012. (Doc. 134). In the current motion, Plaintiff initially sought until August 31, 2012 to switch experts from Dr. Klein to Dr. Ganzhorn and to have Dr. Ganzhorn produce an expert report. However, as of our October 1, 2012 teleconference, Dr. Ganzhorn has still not provided an expert report. The parties have also stated that Dr. Ganzhorn asked for and received additional evidence, including a January 27, 1990 X-ray, which was provided to him on September 12, 2012 and which was not provided to the Defendants or Defendants’ expert. Expert discovery concluded on September 25, 2012 and the Defendants have served their expert reports.

In light of the fact that Plaintiff has introduced new evidence into the case that was not provided to Defendants, and since expert discovery is closed in this case and we still do not have a report from Dr. Ganzhorn, we must deny this motion.