



MAGISTRATE JUDGE GERALDINE SOAT BROWN
219 South Dearborn Street
Chicago, IL 60604

Courtroom 1812

Chambers 1822

Web Site: <http://www.ilnd.uscourts.gov>

Telephone: (312) 435-5612

Fax Number: (312) 554-8472

Courtroom Deputy

Room 1808

(312) 435-7552

STANDING ORDER FOR
EXPERT DISCLOSURE AND DISCOVERY

Consistent with the 2010 amendments to Fed. R. Civ. P. 26(a)(2) and Seventh Circuit authority, the following procedures are to be followed in a case before Judge Brown, unless otherwise ordered by the assigned District Judge if the case is on referral.

1. **All** persons testifying under Federal Rule of Evidence 702 must be disclosed pursuant to Rule 26(a)(2)(A). Disclosure in the initial disclosures or in discovery is not sufficient. *Musser v. Gentiva Health Servs.*, 356 F. 3d 751 (7th Cir. 2004). Those witnesses must be disclosed in writing within the time set by the scheduling order, or in the absence of an order, within the time limits set out in Fed. R. Civ. P. 26(a)(2)(D).
2. A treating professional, including a physician, nurse, psychologist, etc., must be disclosed pursuant to Rule 26(a)(2)(A) in order to testify pursuant to Rule 702. In most cases, the disclosure of a treating professional is sufficient if it complies with Rule 26(a)(2)(C). However, if the treating professional will provide testimony regarding causation, prognosis or the future impact of a condition or injury, the professional shall follow Rule 26(a)(2)(B) and serve an expert report complying with that Rule. *Meyers v. Nat'l R.R. Passenger Corp. (Amtrak)*, 619 F.3d 729 (7th Cir. 2010).
3. If the party intending to present a treating professional to testify as to causation, prognosis or the future impact of a condition or injury believes that a Rule 26(a)(2)(B) report should not be required, because the professional developed the opinion as an integral part of the treatment or because providing the report would impose an exceptional and undue hardship, the party must bring a motion seeking relief from the requirement.

**ENTER:
GERALDINE SOAT BROWN
United States Magistrate Judge**