



In the Circuit Court of Brooke County, West Virginia

KEVIN CRAFT,
Plaintiff,

vs.)

JOHN CHERIAN, M.D.,
JOHN CHERIAN, M.D.,
Defendants

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Case No. CC-05-2019-C-31

**ORDER DENYING DEFENDANTS' MOTION TO RESCIND CONSENT FOR
SUPPLEMENTAL EXPERT WITNESS DISCLOSURE AND TO LIMIT EXPERT
TESTIMONY**

This matter is before the Court regarding Defendants' Motion to Rescind Consent for Supplemental Expert Witness Disclosure and to Limit Expert Testimony. The Court has reviewed the motion and subsequent response. After considering the written arguments and applicable law, the Court hereby **DENIES** Defendants' Motion to Rescind Consent for Supplemental Expert Witness Disclosure and to Limit Expert Testimony.

The Plaintiffs will be permitted to call their expert witness, Dr. Zenni, at trial and will be permitted to pursue a negligence claim in this matter, while Defendants will be permitted to have their own expert testify in response. However, with this ruling coming within less than a month prior to trial, the Court recognizes that this ruling could create issues with the trial date. Therefore, if Plaintiffs still wish for their expert to testify on the issue of negligence, the trial will be continued to a later date in order for the parties to make the proper preparations. Therefore, Plaintiffs are **ORDERED** to notify the Court and opposing counsel of their decision **no later than AUGUST 19, 2021 at 4 P.M.** to determine if the trial will need to be continued in order to include Dr. Zenni's new testimony, or if the Court should proceed with the trial as scheduled without considering the negligence claim and Dr. Zenni's testimony on that issue.

Therefore, Defendants' Motion to Rescind Consent for Supplemental Expert Witness Disclosure and to Limit Expert Testimony is hereby **DENIED**. It is so **ORDERED**.

ENTER this 17th day of August, 2021.

/s/ Ronald E. Wilson
Circuit Court Judge
1st Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsww.gov/e-file/ for more details.