

Rule 26(e) Supplementation of Expert Reports: Not As Easy As It May Look

PSH attorneys [Paul Kessimian](#) and [Dan Marran](#) published an article for the American Bar Association's Commercial & Business Litigation Committee: "*Rule 26(e) Supplementation of Expert Reports: Not As Easy As It May Look.*"

The article breaks down what to think about when you think about supplementation:

1. Does the supplemental opinion evaluate new evidence that was unavailable at the time of the initial report?
2. Does the "supplementation" effect a significant change in the expert's proffered opinions?
3. What is the risk of exclusion absent supplementation?
4. Where are you in the case schedule?
5. Is further discovery needed to cure potential prejudice to the other side?
6. How does your opponent stand to benefit from a reciprocal opportunity to supplement?

Do the benefits outweigh the risks? Read the full article [here](#) (subscription may be required).

[Partridge Snow & Hahn's Litigation Group](#) is ready to answer questions and to provide advice.

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