# CAPTION: RIVERSIDE DRIVE ENTERPRISES, LLC, ET AL. v. GEOTECHNOLOGY, INC., ET AL.

**03-01-23**

APPEAL NO.: C-220099

TRIAL NO.: A-2004462

KEY WORDS: EXPERT TESTIMONY – SUMMARY JUDGMENT – CIV.R. 26 – MOTION FOR RECONSIDERATION

SUMMARY:

The trial court did not abuse its discretion in striking the expert affidavit filed by plaintiffs in response to defendants’ motions for summary judgment, because it was untimely and was not a proper supplement to the initial expert reports.

 The trial court did not err in granting summary judgment in favor of defendants where plaintiffs did not put forth the required expert testimony on the applicable standard of care, which was required to create a genuine issue of material fact and where plaintiffs did not disclose their intent to use certain experts of defendants.

 The trial court did not err in considering plaintiffs’ motion for reconsideration where it was filed after the court orally announced its decision, but before the court journalized its final judgment entry or in denying plaintiffs’ motion for reconsideration where plaintiffs did not demonstrate that the proffered basis for reconsideration would have impacted the court’s conclusion because the court stated several other reasons for striking plaintiffs’ affidavit.

JUDGMENT: AFFIRMED

JUDGES: OPINION by CROUSE, J.; ZAYAS, P.J., and WINKLER, J., CONCUR.