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Litigation Update

Miss an Expert Deadline? The Expert May Be Out.

How important is your expert? In Puerto Rico, the answer may determine whether missing a deadline is fatal.

In *Ramos Martínez v. Liberty de Puerto Rico*, 2026 TSPR 91, the Puerto Rico Supreme Court upheld the exclusion of an expert report that PREPA served eighteen days late—without first requesting an extension or showing good cause. The Court also clarified an important point from its 2023 decision in *Rivera v. Arcos Dorados*: **excluding an expert is not automatically equivalent to dismissing a claim or defense.**

What Changed?

Under *Arcos Dorados*, excluding an essential expert can be such a severe consequence that courts should treat it much like dismissal. But *Ramos Martínez* draws an important line: **an expert does not become “essential” simply because a party says the testimony is important.** Courts must look at the actual record, including who bears the burden of proof, what the expert is needed to establish, the parties’ prior representations about the expert, and where the case stands procedurally. That proved decisive in *Ramos Martínez*. PREPA had initially said it would not use an expert unless the plaintiffs did, later changed course, missed the deadline it had requested, and never established that the expert was indispensable to its defense.

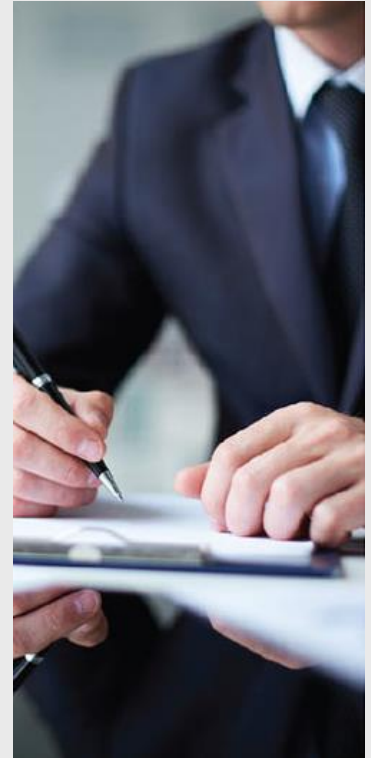
Why it Matters

The decision gives Puerto Rico trial courts meaningful authority to enforce expert deadlines. For companies involved in litigation, the practical lesson is simple: **identify critical experts early and make sure the record reflects why they matter.** If an expert deadline cannot be met, seek relief from the court before it expires and establish good cause. What counsel says about an expert early in the case may matter just as much as what counsel says after a deadline has been missed.

For questions about this decision or other legal matters affecting your business, contact our team.

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