

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. **00-cv-1077-JLK-KLM**

**UNITED STATES OF AMERICA, ex rel, ALI BAHRANI,**

Plaintiffs,

v.

**CONAGRA, INC.; CONAGRA HIDE DIVISION; CONAGRA BEEF COMPANY; and  
MONFORT, INC.,**

Defendants.

---

**ORDER DENYING MOTION TO CALL WITNESS**

---

KANE, J.

Relator's Motion to Call Delores Lindsey by Video Teleconference or by Videotaped Deposition (Doc. 440), filed at 7:12 p.m. Thursday evening and received this morning, the last business day before the three-week jury trial in this nine-year old case commences, is **DENIED**.

It is simply too late and too far past the deadline to provide the parties sufficient time to prepare for this witness. Based on Relator's representations in his Motion, he has already contacted Ms. Lindsey, gone over what her testimony would be at trial, served her with a subpoena, and initiated efforts under 7 C.F.R. § 1.214 to get USDA permission for her to testify – all before notifying the court or opposing counsel that she existed. Allowing Ms. Lindsey to testify by videoconference at trial or requiring Defendants to travel to California or Nevada to depose her before trial commences Monday morning to present her testimony by designation would be grossly unfair.

Dated: March 6, 2009

**s/John L. Kane**  
SENIOR U.S. DISTRICT JUDGE