

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **01-cv-2313-JLK**

GLN COMPLIANCE, INC.,

Plaintiff /Counter Defendant,

v.

JONATHAN ROSS,

Defendant/Third Party Plaintiff /Counter Claimant,

v.

GERALD NAEKEL,

Third-Party Defendant.

ORDER re Doc. 189

Kane, J.

With regard to Defendant's Motion for Reconsideration (Doc. 189) filed February 13, 2010, disputing the admission, after the trial in this case had been concluded, of Exhibit 101, Dr. Resling's report:

1. It was not my intent when the courtroom deputy came in to chambers to admit anything into evidence that was not already admitted. The parties now dispute whether Dr. Resling's report had been admitted into evidence during the course of the proceedings. Unfortunately, neither side seemed particularly interested during trial in keeping the deputy's Exhibit List clear on the issue.

2. I have ordered the transcript from the Court Reporters who worked the trial at the

Court's expense, and will use it in finalizing my Findings and Conclusions. The transcript should be available some time next week. The parties are ORDERED to SECURE COPIES OF THE TRANSCRIPT once it is prepared and Plaintiff, who maintains Dr. Resling's report *was* admitted into evidence despite the fact that Dr. Resling did not testify, SHALL FILE a Supplement to his Response to Defendant's Motion for Reconsideration providing the page and line number from the transcript where that occurred.

3. IT IS FURTHER ORDERED that the parties use the transcript to support every proposed finding included in their Proposed Findings of Fact and Conclusions of Law with specific citations to the record, specifically including page and line citations to the transcript.

Dated: February 18, 2010.

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