

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Lewis T. Babcock, Judge

Civil Action No. 04-cv-01961 - LTB - CBS

SANFORD LEE HERTZ,

Plaintiff and Counterclaim Defendant,

v.

LUZENAC AMERICA, INC., a Delaware corporation, and  
THE LUZENAC GROUP, a French corporation,

Defendants.

And

LUZENAC AMERICA, INC., a Delaware corporation,

Counterclaim Plaintiff,

v.

LANE LIGHTHART,

Counterclaim Defendant.

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ORDER

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IT IS HEREBY ORDERED as follows:

1. Defendant Luzenac America, Inc.'s Motion to Strike Plaintiff's Experts Richard Whalen and Bruce Berglund [Doc # 247] is DENIED WITHOUT PREJUDICE with leave to re-file by a date certain to be set by the magistrate judge; and
2. Defendant Luzenac America, Inc.'s Alternative Motion to Strike Expert Testimony of Richard Whalen as Being Moot and/or Irrelevant [Doc # 315] is DENIED WITHOUT PREJUDICE with leave to re-file by a date certain to be set by the magistrate judge.

Dated: December 18, 2009 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, JUDGE