

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JAMES WRIGHT,)	
)	
Plaintiff,)	
)	
vs.)	Case Number 06-cv-351-RJC-KLM
)	
LIBERTY MUTUAL FIRE INSURANCE)	
CO.,)	
)	
Defendant.)	

ORDER

This afternoon, the Court conducted a pre-trial conference with the parties by telephone. The Court made the following rulings:

- (1) Defendant will file responses to Plaintiff’s Motion in Limine Regarding Issue Preclusion Matters Decided by ALJ or Admission of Liberty Mutual (Dkt. No. 213) and Plaintiff’s Motion in Limine Re: Back Injury (Dkt. No. 214) no later than Monday, October 26, 2009, at 5:00 p.m. (CDT).
- (2) Plaintiff will file a response to Defendant’s Motion to Preclude Plaintiff’s Introduction of the Worker’s Compensation Deposition Testimony of Dr. Craig Fredericks (Dkt. No. 203) no later than Monday, October 26, 2009, at 5:00 p.m. (CDT).
- (3) Plaintiff’s Motion for Reconsideration and Request for Daubert Hearing (Dkt. No. 219) is DENIED. The details provided in Plaintiff’s motion regarding Dr. Machanic’s methodology should have been provided in the original materials submitted to the Court, and because there is only one week remaining before

the start of trial, there is insufficient time for the parties to fully brief and the Court to consider such additional documents.

- (4) Plaintiff's economist will not be permitted to testify about the information contained in the most recent supplemental report that was not timely disclosed to Defendant.
- (5) The parties are directed to e-mail proposed jury instructions and their Amended Pre-Trial Order to cauthron-orders@okwd.uscourts.gov before the end of the day. Any proposed voir dire questions that the parties wish to have the Court ask must be submitted no later than Thursday, October 29, 2009.
- (5) The parties are directed to submit stipulated jury instructions to the Court no later than Monday, October 26, 2009, at 5:00 p.m. (CDT). In addition, the parties should formulate a list of stipulated exhibits, if any, and submit this to the Court the morning trial begins. Finally, the parties are directed to create a list of the witnesses and exhibits that they truly intend to call and use during trial. This should be provided to the Court the morning of trial.
- (6) With respect to the depositions that the parties intend to use at trial, the Court will not prohibit any discussions or objections by counsel contained therein. Any mention of such discussions should be stricken from the written depositions read into the record, and the parties must make every effort to edit out such portions of video depositions. In addition, the Court urges the parties

to re-edit the depositions they intend to use at trial for time-management purposes.

- (7) The parties are limited to twenty minutes each for their opening statements.

IT IS SO ORDERED this 23rd day of October, 2009.



ROBIN J. CAUTHRON
United States District Judge