

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 07-cv-01355-LTB-MJW

FTR - Courtroom A-502

Date: February 08, 2010

Courtroom Deputy, Ellen E. Miller

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND,

Patrick Q. Hustead
Vincent J. Wegher
Connor L. Cantrell

Intervenor Plaintiff(s),

UNITED STATES OF AMERICA
for the Use and Benefit of
SUN CONSTRUCTION COMPANY, INC.,
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND,

Jeffrey C. Culbertson

Plaintiff(s)/Counter Defendant(s).

v.

TORIX GENERAL CONTRACTORS, LLC,
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, and
ST. ANDREWS/ALLIANCE JOINT VENTURE,

Bret R. Gunnell
Matthew O. Stromquist

Defendant(s)/Counter Claimant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 9:16 a.m.

Court calls case. Appearances of counsel.

The Court raises Fidelity and Deposit Company of Maryland's Motion to Modify Scheduling Order for oral argument.

Argument by Mr. Hustead.

Response by Mr. Stromquist.

Mr. Culbertson states he is not responding.

Findings by the Court.

It is ORDERED: Fidelity and Deposit Company of Maryland's MOTION TO MODIFY SCHEDULING ORDER [Docket No. 153, Filed December 31, 2009] is **GRANTED** for reasons as set forth on the record.

AMENDED SCHEDULING ORDER [153-2] is signed and entered as amended on the record.

The Scheduling Order [Docket No. 58, Filed April 15, 2008] is amended accordingly.

Joinder of Parties/Amendment to Pleadings: **FEBRUARY 26, 2010**

Discovery Cut-off for all discovery: **JULY 30, 2010**

Dispositive Motions Deadline: **JULY 26, 2010**

Each side shall be limited to four (4) expert witnesses, without further leave of Court. Defendants shall supplement their prior expert reports and disclosures **on or before FEBRUARY 15, 2010**.

Plaintiffs shall submit all rebuttal expert reports and disclosures **on or before APRIL 15, 2010**.

Interrogatories, Requests for Production, and Requests for Admissions shall be served on or before **MARCH 01, 2010**.

Each side shall be limited to twenty (20) additional Interrogatories, twenty (2) additional Requests for Production, and twenty (20) additional Requests for Admissions, without leave of Court.

Each side shall be limited to four (4) additional fact depositions. Each deposition shall be limited to one (1) day of a maximum of seven (7) hours, absent leave of Court.

No **SETTLEMENT CONFERENCE** is set at this time.

The parties advise the Court they anticipate scheduling private mediation through the Judicial Arbitrator Group.

On or before March 08, 2010, the parties shall contact the selected private mediator and schedule the mediation.

The **FINAL PRETRIAL CONFERENCE** is currently set **SEPTEMBER 24, 2010 at 9:00 a.m.** in Courtroom A-502, Fifth floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

TRIAL/TRIAL PREPARATION CONFERENCES : The following are currently set before The Honorable Lewis T. Babcock:

Preliminary Final Trial Preparation Conference: **AUGUST 19, 2010 at 9:00 a.m.**

Final Trial Preparation Conference: **SEPTEMBER 24, 2010 at 9:00 a.m.**

Three-week trial to a jury: **OCTOBER 18, 2010 at 9:00 a.m.**

Parties are directed to www.cod.uscourts.gov and shall fully comply with the procedures of the judicial officer assigned to try this case on the merits.

Absent exceptional circumstances, no request for rescheduling any appearance in this court will be entertained unless a written request is made five (5) business days in advance of the date of appearance.

[X] Amended Scheduling Order is signed and entered with interlineations **FEBRUARY 08, 2010.**

Hearing concluded.

Court in recess: 9:40 a.m.
Total in-court time: 00:24

To order a transcript of this proceedings, contact Avery Woods Reporting Service.
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