

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02053-PAB-MEH

PHILLIP CUTTING, JR., as next friend and parent of minor Phillip Cutting, III,

Plaintiff,

v.

UNITED STATES OF AMERICA,  
PAMELA SIMONS, M.D.,  
MERCEDES DELORY, CNM, RS, and  
SPECTRUM HEALTHCARE RESOURCES,

Defendants.

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**ORDER**

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**Michael E. Hegarty, United States Magistrate Judge.**

As noted in the minutes documenting the hearing on April 28, 2009, the Court granted the government leave to disclose two of its experts on May 20, 2009, after having disclosed all other experts on May 1, 2009. The Court also set Plaintiff's rebuttal expert disclosures for June 1 and June 10, 2009, respectively. As discussed, the schedule governing this matter is tightly set, and the Court emphasizes the need to preserve the trial date set for January 4, 2010.

In light of the limitations on any further extensions, the Court directs counsel for both sides to notify all experts that they must cooperate in setting an expeditious deposition schedule. The Court will enter any necessary orders in the event that expert schedules interfere with the speedy expedition of this case, potentially including orders compelling attendance at depositions.

Furthermore, the parties raised issues regarding the pre-payment of fees to experts for their attendance at depositions. The United States does not, by established policy, pay such fees in

advance. Expenses must be incurred first, then reimbursed. Therefore, the Court will not permit any expert to delay attendance at depositions based on a request for prepayment of fees. The parties are directed to bring to the Court's immediate attention any issues concerning compliance with this Order.

IT IS SO ORDERED.

Dated at Denver, Colorado, this 28th day of April, 2009.

BY THE COURT:

s/ Michael E. Hegarty  
Michael E. Hegarty  
United States Magistrate Judge