

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 07-cv-02110-LTB-KMT

FTR

Date: January 21, 2009

Debra Brown, Deputy Clerk

DAVID JENKINS, et al.

Nicole Caroline Daniels
Darrell S. Elliott

Plaintiff(s),

v.

FMC TECHNOLOGIES, INC.

Richard Michael Simses

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

MOTIONS HEARING

Court in Session: 9:01 a.m.

Court calls the case. Appearances of Counsel.

Statements by the Court regarding the various pending motions.

ORDERED: Plaintiff's "Motion for Ruling on [#41 MOTION to Compel, [#48] Reply to Response to Motion, [47] Response to Motion" [Document #54, filed December 08, 2008] is **GRANTED**.

ORDERED: Plaintiff's "Emergency MOTION to Stay Joint Expert Disclosures and Request for Forthwith Ruling" [Document 60, filed January 07, 2009] is **GRANTED**.

Plaintiff's Motion to Compel [Document #41, filed September 19, 2008] at issue.
Arguments by Counsel.

The Court finds:

ORDERED: Plaintiff's "Motion to Compel" [Document #41, filed September 19, 2008] is **GRANTED in part and DENIED in part as follows:**

With respect to all objections the motion is denied as more specifically stated on the record.

With respect to interrogatory Nos. 2 and 3 the Objections are sustained and the

motion to compel is DENIED as stated on the record. Plaintiff's Counsel is granted leave to rephrase and resubmit Interrogatory Nos. 2 and 4 on or before January 30, 2009.

With respect to Non-Pattern Interrogatory Nos. 2, 3, 4, 5, 8, 11, 12, 13, 15, 16, 18, 20 and 22:

The Objections to Non-Pattern Interrogatory Nos. 2, 3, 4, 5, 8, 11 are overruled and the motion to compel is granted as stated on the record.

Plaintiff shall rephrase and resubmit Non-Pattern Interrogatory Nos. 12, 13 and 16 on or before January 30, 2009.

With respect to Non-Pattern Interrogatory Nos. 15, 16 and 18 the Objections are overruled the motion to compel is granted. Defendant is required to answer the interrogatory.

With respect to Non-Pattern Interrogatory No. 20 and 22 the objection are sustained and the motion to compel is denied.

With respect to Requests for production of Documents Nos. 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 27 and 29 the objections are denied and the motion to compel is granted.

Plaintiff's Counsel is granted leave to rephrase and resubmit Request for Production of Documents Nos. 7, 9, 10, 11, 12, 14, 16, 27 and 29.

With respect to Request No. 13 Defendant is ORDERED to supplement their previous response.

ORDERED: Defendant is to re-draft the Privilege log to add a column indicating to which discovery request the withheld document is relevant and, absent the privilege, would have been produced.

ORDERED: Defendant will, if not previously provided, insert appropriate sequential numbering in discovery produced and referenced by Defendant in responses.

ORDERED: Plaintiff's "Motion to Stay Discovery and Disclosure Deadlines and Request for Expedited Ruling or Hearing" [Document #53, filed December 08, 2008] is **GRANTED** as follows:

- | | |
|---------------------------------|---------------|
| ● Disclosure of Experts: | May 01, 2009 |
| ● Rebuttal of Experts: | June 01, 2009 |
| ● Discovery Deadline: | June 01, 2009 |
| ● Expert Discovery Deadline | June 30, 2009 |
| ● Dispositive Motions Deadline: | July 06, 2009 |

No further extensions will be granted.

ORDERED: FINAL PRETRIAL CONFERENCE is RESET to July 31, 2009 at 9:15 a.m. in Courtroom C-205, Second Floor, of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado.

ORDERED: SETTLEMENT CONFERENCE is reset for June 26, 2009 at 10:30 a.m. Courtroom C-205, Second Floor, of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado.

ECF participants shall e-mail their Confidential Settlement Statements to chambers with a subject line "Confidential Settlement Statement" to: Tafoya_Chambers@cod.uscourts.gov, no later than five (5) business days prior to the settlement conference date. The Confidential Settlement Statement should be in PDF format and sent as an *attachment* to the e-mail. **Statements containing more than 15 pages should also be submitted to chambers on paper (hard copy)**, with the envelope addressed to "Magistrate Judge Tafoya's Chambers, Personal and Confidential". Confidential Settlement Statements prepared by parties not represented by counsel, or without access to ECF, shall be submitted on paper to the Clerk's Office.

All attorneys, parties and/or representatives with full settlement authority shall be present at the settlement conference. Valid photo identification is required to enter the courthouse. (See attachment for more information.)

ORDERED: Plaintiff's request for an additional twenty-five (25) Interrogatories is DENIED with leave to renew that request, in writing, with the proposed Interrogatories. If there are no objections by Defendant, the motion will be granted by separate order.

Court in recess: 11:07 a.m.

Total In-Court Time 2:06; hearing concluded

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.