

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 08-cv-00091-WYD-CBS

WAYNE WATSON and  
MARY WATSON,

Plaintiffs,

v.

DILLON COMPANIES, INC., d/b/a/ KING SOOPERS, also d/b/a INTER-AMERICAN  
PRODUCTS, INC., et al.,

Defendants.

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**ORDER COMPELLING PRODUCTION OF DOCUMENTS AND RELATED ITEMS BY  
CANTOX HEALTH SCIENCES INTERNATIONAL AND EARLE NESTMANN, Ph.D.**

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NOW BEFORE THE COURT is Plaintiffs' Motion to Preclude the Testimony of Defense Expert Earle Nestmann, Ph.D. For Failure to Produce Requested Documents And For Lack of Discovery of His Opinions Or In the Alternative For Specific Relief Including Limited Discovery. Having reviewed the pleadings and heard argument the Court finds that discovery is warranted and should be compelled. The Court finds that Cantox Health Sciences International ("Cantox") and Earle Nestmann have placed themselves within the jurisdiction of this Court by their actions and are subject to an Order by this Court compelling discovery. The Court further finds that Cantox Health Sciences International and Earle Nestmann, Ph.D. may possess documents and related items which are discoverable in this action. It is hereby

ORDERED that Cantox Health Sciences International and Earle Nestmann, Ph.D. shall, by **August 15, 2012**, produce to counsel for Plaintiffs Humphrey, Farrington &

McClain, P.C., the following documents and related items:

1. All flavoring industry documents upon which Nestmann relies upon to support his opinions in this case.
2. All records concerning the work of Cantox or Nestmann for ConAgra Foods, Inc. or a representative, agent or consultant for ConAgra Foods, Inc. which concerned in any way microwave popcorn, butter flavoring or diacetyl and/or persons who worked at ConAgra microwave popcorn plants. This specifically calls for the full file on such projects including reports, power points, contracts, correspondence, records reviewed and all other supporting documentation.

It is further

ORDERED that all records which would otherwise meet this Order which have been returned to ConAgra Foods or its counsel should be immediately obtained for production pursuant to this Order. It is further

ORDERED that Earle Nestmann, Ph.D. is to be deposed prior to the start of trial.

Dated: August 3, 2012.

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
CHIEF UNITED STATES DISTRICT JUDGE