

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE WILEY Y. DANIEL**

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Courtroom Deputy: Robert R. Keech  
E.C.R./Reporter: Therese Lindblom

Date: January 5, 2010

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Civil Action No: **08-cv-00761-WYD-KLM**

Counsel:

**RICHARD D. KELLAR,**

Derek W. Cole

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF  
VETERANS AFFAIRS,**

Marcy E. Cook  
Marc A. Bonora

Defendants.

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**COURTROOM MINUTES**

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**MOTIONS HEARING**

**2:08 p.m.** Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

Defendant's Motion to Strike Plaintiff's Witness Dr. Deneen Gammons [138], filed November 20, 2009, and Plaintiff's Motion for Leave to Endorse Expert Witness Deneen R. Gammons, Ph.D. [142], filed December 14, 2009, are raised for argument.

2:10 p.m. Argument by Plaintiff (Mr. Cole).

2:20 p.m. Argument by Defendant (Ms. Cook).

**ORDERED:** Defendant's Motion to Strike Plaintiff's Witness Dr. Deneen Gammons [138], filed November 20, 2009, is **GRANTED IN PART and DENIED IN PART.**

**ORDERED:** Plaintiff's Motion for Leave to Endorse Expert Witness Deneen R. Gammons, Ph.D. [142], filed December 14, 2009, is **GRANTED IN PART and DENIED IN PART.**

**ORDERED:** Defendant will be allowed to call a rebuttal expert and shall be allowed to conduct an independent medical evaluation of the Plaintiff.

**ORDERED:** Plaintiff shall submit a statement containing the opinions to be given by Dr. Deneen R. Gammons to Defendant not later than **Friday, January 8, 2010.**

**ORDERED:** Defendant shall submit a statement containing the opinions of the rebuttal expert to Plaintiff not later than **Friday, February 5, 2010.**

**ORDERED:** Any Daubert motions or motions in limine shall be filed not later than **Friday, February 12, 2010.**

Plaintiff's Motion for Leave to Present Newly Discovered Evidence [152], filed January 5, 2010, is raised for argument.

2:41 p.m. Argument by Plaintiff (Mr. Cole).

2:43 p.m. Argument by Defendant (Ms. Cook).

**ORDERED:** Plaintiff's Motion for Leave to Present Newly Discovered Evidence [152], filed January 5, 2010, is **DEFERRED until the motion is fully briefed.**

**2:49 p.m.** Court in Recess - HEARING CONCLUDED

**TOTAL TIME: 0:41**