

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00761-WYD-KLM

RICHARD D. KELLAR,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF VETERAN AFFAIRS, a federal agency of the United States,

Defendant.

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**MINUTE ORDER**

**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on **Plaintiff's (Opposed) Motion(s)** [Docket No. 170; Filed April 9, 2010] (the "Motion").

In the Motion, Plaintiff requests an order from the Court requiring that Defendant's expert witness, Dr. Harold J. Bursztajn, produce certain documents related to his examination of Plaintiff. Plaintiff also requests leave to endorse a new expert witness, both for Plaintiff's case-in-chief and for rebuttal purposes. Plaintiff explains that Deneen R. Gammons, Ph.D., the expert witness previously designated by Plaintiff, has moved to another state and Plaintiff lacks funds to bring her to Colorado for the trial. This matter is set for a bench trial on June 1, 2010. Accordingly,

**IT IS HEREBY ORDERED** that Defendant shall file its response to Plaintiff's Motion, if any, on or before **April 19, 2010**. Plaintiff shall file any reply on or before **April 23, 2010**.

**IT IS FURTHER ORDERED** that the Motion is **HELD IN ABEYANCE** pending further briefing.

Dated: April 13, 2010