

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

Civil Action No. 08-cv-00842-REB-KMT

FTR

Date: November 23, 2009

Debra Brown, Deputy Clerk

KATHIE BACH

Rebecca Albano

Plaintiff.

v.

HYATT CORPORATION
INTERSERV GROUP, INC.

Matthew Holmes
Todd Jaworsky
Glendon Laird

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTIONS HEARING

Court in session: 9:00 a.m.

Court calls case. Appearances of counsel.

Opening statements by the Court concerning the various pending motions.

The Court will address [124] MOTION to Strike Expert Witness Report of Hyatt's Endorsed Expert, George Merlo, PE, filed by Interserv Group, Inc., October 12, 2009 and [132] MOTION to Strike Hyatt Corporations Second Supplemental F.R.C.P. 26(a) (2) Expert Disclosures, filed by Kathie Bach on October 29, 2009.

Argument by Counsel.

ORDERED: [124] MOTION to Strike Expert Witness Report of Hyatt's Endorsed Expert, George Merlo, PE, filed by Interserv Group, Inc., October 12, 2009 and [132] MOTION to Strike Hyatt Corporations Second Supplemental F.R.C.P. 26(a) (2) Expert Disclosures, filed by Kathie Bach on October 29, 2009 are **DENIED for the reasons stated on the record.**

ORDERED: The Request for Sanctions contained within the Response filed by Hyatt Corporation, Document No. 141, filed November 13, 2009 is **DENIED for the reasons stated on the record.**

ORDERED: Depositions of Mr. Struyf, Mr. Avery, and Mr. Merlo will be allowed but will be limited to issues arising out of Mr. Merlo's September 28, 2009 Supplemental Expert Report. Those depositions will be completed on or before **December 23, 2009.**

ORDERED: Interserv may file an expert report in rebuttal to Mr. Merlo's September 28, 2009 supplemental report on or before **January 08, 2010**.

The court will address [128] MOTION to Compel The Deposition of Mr. Roy Lehto and [129] MOTION for Extension of Time to Enlarge Discovery Cutoff, filed by Kathie Bach on October 16, 2009.

Argument by Counsel.

ORDERED: Plaintiff's [128] MOTION to Compel The Deposition of Mr. Roy Lehto is **GRANTED** only to the extent that the deposition of Mr. Lehto may be taken by telephone or webcam unless all parties agree to a different arrangement. Mr. Lehto's deposition will be completed on or before **December 23, 2009**.

ORDERED: [129] MOTION for Extension of Time to Enlarge Discovery Cutoff, filed by Kathie Bach on October 16, 2009 is **GRANTED up to and including December 23, 2009** for the sole purpose of taking the depositions referenced herein.

The Court will address Plaintiff's [97] MOTION to Strike Designation of Non-Party Slifer Designs filed August 20, 2009; Third-Party Defendant, Interserv Group, Inc. at issue.

ORDERED: Plaintiff's [97] MOTION to Strike Designation of Non-Party Slifer Designs filed August 20, 2009; Third-Party Defendant, Interserv Group, Inc. Is **DENIED without prejudice**. Defendant, Hyatt may file an Amended Designation complaint with *Redden v. SCI*, 38 P.3d 75 (Colo. 1981) on or before December 10, 2009 relating to Slifer Designs. If Hyatt decides not to file an amended designation of non-party at fault, Slifer, shall withdraw the designation, [Document No. 14].

ORDERED: With respect to Plaintiff's and Defendant's [144] MOTION to Compel Discovery to Plaintiff. Responses are due on or before November 30, 2009. Replies are due on or before December 04, 2009.

Court in recess: 10: 36 a.m.

Total In-Court Time 1:36; hearing concluded

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