

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix**

Civil Action No.: 08-cv-00867-MSK-KLM

FTR - Reporter Deck - Courtroom C-204
Byron G. Rogers United States Courthouse
Courtroom Deputy, Kathleen Finney

Date: May 15, 2009

MEDCORP, INC.

Steven A. Gibson
Douglas B. Burda

Plaintiff(s),

v.

PINPOINT TECHNOLOGIES, INC., and
ZOLL DATA SYSTEMS, INC.

James G. Sawtelle
Mary V. Sooter

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC DISCOVERY CONFERENCE

Court in Session: 2:01 p.m.

Court calls case. Telephonic appearance of counsel.

Court calls Discovery Conference at the request of all parties regarding confidential documents.

Plaintiff provides the background and basis of the discovery dispute. Defendants respond.

It is ORDERED: **On or before May 22, 2009**, Plaintiff's counsel will select 250 documents that he believes have been improperly marked as "confidential" by Defendants, will bring those documents to the attention of defense counsel in writing and will identify them by Bates Number.

On or before May 29, 2009, defense counsel will determine whether in fact they have been improperly marked as confidential, and will report back to Plaintiff's counsel in writing. If defense counsel changes the designation as confidential of more than 50 percent of the selected documents, defense counsel will conduct an independent review of the remainder of the documents produced by Defendants to determine whether the remainder have been properly marked as confidential. If defense counsel changes the designation of less than 50 percent of the selected documents, no further

review of the designations shall be made, and the parties shall treat all documents designated as “confidential” in accordance with the terms of the Protective Order. In the event that there is a reasonable, good faith disagreement pertaining to the final designations by Defendant of the selected documents, any party may file an appropriate motion with the Court or Special Discovery Master, if one has been appointed by that time.

It is ORDERED: Plaintiff’s Motion for Protective Order for Zoll’s Failure to Appear at Zoll’s Deposition [Docket No. 83 , filed 4/9/2009] is **DENIED** for the reasons stated on the record.

It is ORDERED: The court will issue a Notice of intent to appoint a Special Discovery Master because of the continuing voluminous discovery disputes.

HEARING CONCLUDES.

Court in recess: 2:48 p.m.

Total In-Court Time: 00:47

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