

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-00996-RPM

KATHY D. CRUZ and  
RAMON L. CRUZ, JR.,

Plaintiffs,  
v.

CHRISTOPHER R. COLE, M.D., and  
COLORADO SPRINGS CARDIOLOGISTS, P.C.,

Defendants.

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ORDER DENYING PLAINTIFFS' MOTION TO COMPEL OPINION TESTIMONY OF  
DR. SAMEER OZA, M.D.

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Upon consideration of the plaintiffs' motion to compel Sameer Oza, M.D., to express opinions on the standard of care, filed July 10, 2009, the defendants' response and the plaintiffs' reply brief, the Court finds and concludes that Dr. Oza has a personal freedom to limit his participation in this litigation to that required of a fact witness and treating physician without being required to express an opinion on the standard of care as an expert witness. The plaintiffs' suggestions of sinister and inappropriate professional conduct are matters to be addressed in a forum with appropriate jurisdiction. It is

ORDERED that the plaintiffs' motion to compel is denied.

Dated: August 13<sup>th</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge