

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-01091-PAB-KMT

CONTOUR PAK, INC., a Colorado corporation,

Plaintiff,

v.

EXPEDICE, INC., a Nebraska corporation,

Defendant.

ORDER

This matter is before the Court on plaintiff's Motion to Strike Dr. Mary Finn and William Kenedy as Expert Witnesses [Docket No. 101]. It is

ORDERED that a three-hour hearing on all issues contained in the motion [Docket No. 101] is set for **April 28, 2010 at 8:30 a.m.** in Courtroom A701 before Judge Philip A. Brimmer. It is further

ORDERED that the hearing shall proceed as follows:

1. No later than three business days prior to the hearing, the proponent of the expert witness shall file a statement of the expert witness that sets forth the expert witness's relevant qualifications, methodology, etc. This statement shall substitute for the proponent's direct examination of the expert witness and should therefore include all information the proponent would otherwise seek to establish on direct examination. Particular attention should be paid to the challenges raised by the opposing party; for example, if the opposing party challenges an expert witness's methodology for a particular opinion pursuant to Fed. R. Evid. 702, the statement should focus on the reliability of that methodology. Such statement shall not exceed ten pages without permission of the Court. The expert witness must be present at such hearing.

2. The hearing will begin, if necessary, with brief opening arguments by the parties, followed immediately by the challenging party's cross-examination of the expert witness. Following cross-examination, the proponent will be permitted to ask questions of the expert witness on redirect examination. After examination of the expert is complete, the proponent may call additional witnesses, if necessary. The opponent may also call additional witnesses, if necessary.

DATED February 19, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge