

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01287-PAB-BNB

UNITED OF OMAHA LIFE INSURANCE COMPANY, a Nebraska corporation,

Plaintiff,

v.

KRIS P. JOHNSON,

Defendant.

ORDER

This matter arises on plaintiff's **Motion to Strike Defendant/Counterclaim Plaintiff's Disclosure and Endorsement of Jerry S. Ogden, M.S., P.E. Pursuant to Fed. R. Civ. P. 37** [Doc. # 27, filed 5/5/2009] (the "Motion to Strike"). I held a hearing on the Motion to Strike this afternoon and made rulings on the record, which are incorporated here. In summary and for the reasons stated on the record:

IT IS ORDERED that the Motion to Strike is DENIED.

IT IS FURTHER ORDERED that to cure any prejudice to the plaintiff caused by the defendant's late endorsement of Mr. Ogden, the case schedule is modified to the following extent:

(1) Expert discovery is reopened solely to allow the deposition by the plaintiff of Mr. Ogden. That deposition shall occur, if at all, on or before **July 15, 2009**;

(2) The plaintiff shall designate any expert witness in rebuttal of Mr. Ogden and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **July 15, 2009**;

(3) Motions raising issues under Fed. R. Evid. 702 shall be filed on or before **August 15, 2009**; and

(4) The final pretrial conference set for June 9, 2009, at 8:30 a.m., is VACATED and RESET to **September 1, 2009, at 9:00 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than **August 25, 2009**.

Dated May 21, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge