

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

Civil Action No. 08-cv-02228-MSK-KMT

FTR

Date: September 29, 2009

Debra Brown, Deputy Clerk

MICHELLE FELIX

Pro se

Plaintiffs.

v.

CITY AND COUNTY OF DENVER

Robert Wolf

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTIONS HEARING

Court in Session: 10:25 a.m.

Court calls case. Appearance by Plaintiff, pro se and of counsel.

Plaintiff's Opposed: Plaintiff's MOTION to Add Depositions of Jessica Naberhaus, Robert Spears Driskell, Dianne Tilley, Marylyn Bellis and Rita Murphey [Document #63, filed August 12, 2009];

Plaintiff's Opposed: Plaintiff's MOTION to Add Additional Expert Witnesses [Document #69, filed August 26, 2009] at issue.

Argument presented.

ORDERED: Plaintiff's MOTION to Add Depositions of Jessica Naberhaus, Robert Spears Driskell, Dianne Tilley, Marylyn Bellis and Rita Murphey [Document #63, filed August 12, 2009] is **granted in part and denied in part**. The motion is **denied** as to the depositions of Naberhaus and Driskell; there is no relevancy. The motion is further **denied** as to the depositions Tilley and Bellis. The Plaintiff was given the opportunity to take the depositions of Tilley and Bellis prior to the discovery cut off in this case without objection and she failed to do so. Plaintiff has therefore waived the taking of the depositions of Tilley and Bellis. The motion is **granted** with respect to the continued deposition of Rita Murphey. Plaintiff may take a limited continued deposition of Rita Murphey regarding Murphey's examination and use of the Plaintiff's workers compensation file. The deposition shall be taken within sixty (60) days from today's date, on or before November 28, 2009 and the costs associated with the deposition will be borne by Plaintiff.

ORDERED: Plaintiff's Opposed: Plaintiff's MOTION to Add Additional Expert Witnesses [Document #69, filed August 26, 2009] is **granted and limited to the extent** that plaintiff shall have up to November 30, 2009 to designate and provide full and complete reports of one IME expert pursuant to Fed. R. Civ. P. 26(a)(2). No

further extensions of time to designate an expert and provide the requisite material will be granted in this matter. If Plaintiff fails to designate her IME expert and provide documentation by November 30, 2009, she will be barred from presenting expert testimony on the subject matter as discussed in this hearing.

ORDERED: Defendant shall designate and provide reports pursuant to Rule 26(a)(2) on or before December 30, 2009.

Court in recess: 11:13 a.m.

Total In-Court Time 0:48; hearing concluded

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