

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 08-cv-02486-REB-CBS
Date: January 29, 2010

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

RIVIERA DRILLING & EXPLORATION
COMPANY,

No appearance

Plaintiff,

v.

GUNNISON ENERGY CORPORATION,

Wayne F. Forman

SG INTERESTS I, LTD,
SG INTERESTS VII, LTD,

Brian S. Tooley
Sarah May Mercer Clark
Wayne F. Forman

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 10:01 a.m.

Court calls case. Appearances of counsel. No appearance for Plaintiff.

The court notes for the record that no one is present for the Plaintiff.

The court asks for any additional arguments regarding the Joint Motion to Exclude Testimony of James Crafton, doc #[81], filed 11/29/2009.

The court cites relevant case law.

For the reasons as stated on the record, it is:

ORDERED: Joint Motion to Exclude Testimony of James Crafton, doc #[81], is **DENIED**.

Discussion regarding the Renewed Motion to Compel or in the Alternative, to Strike Expert Testimony, doc #[82], filed 11/23/2009.

Mr. Tooley states for the record that the factual basis set forth in their oral presentation was their proffer of proof.

The court cites relevant case law.

ORDERED: Renewed Motion to Compel or in the Alternative, to Strike Expert Testimony, doc #[82], is **DENIED WITHOUT PREJUDICE** to Defendants' right to raise these issues should this case proceed to trial, and in the event that Dr. Crafton is called to testify.

Discussion regarding the Motion for Protective Order, doc #[93], filed 12/14/2009. The court will not order additional discovery.

ORDERED: Motion for Protective Order, doc #[93], is **GRANTED** to the extent that it is limited to discovery. In granting the motion, the court is not, in any way, attempting to anticipate or pre-determine rulings that Judge Blackburn makes. The court is not attempting to relieve Dr. Crafton of a burden he still may ultimately find that he faces. The Motion is **DENIED** to the extent that it can be broadly construed as somehow implicating testimony at trial.

Discussion regarding Plaintiff's Motion to Compel, doc #[121], filed 1/13/2010. The court notes the motion is fully briefed and that there is no one present from Riviera to argue the motion. The court discusses the timing of the motion.

For the reasons as stated on the record, it is:

ORDERED: Motion to Compel, doc #[121], is **DENIED**.

The court states that the parties have 10 days from today's date to file objections to the rulings on these motions.

ORDERED: Unopposed Motion to File Confidential Exhibit Under Seal, doc #[96], filed 12/14/2009 is **GRANTED**.

The court states it will sign the amended Final Pretrial Order.

HEARING CONCLUDED.

Court in recess: 10:46 a.m.

Total time in court: 00:45

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