

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 08-cv-02605-CMA-KMT

HOWARD D. KREPACK,

Plaintiff,

v.

JAY FRIEDSTEIN,

Defendant.

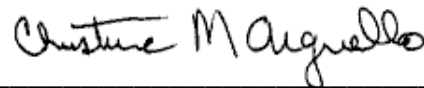
ORDER DENYING MOTION *IN LIMINE*

This matter is before the Court on Plaintiff's Motion *In Limine* To Exclude the Testimony of Defense Witness Seth Bayer (Doc. # 42). The Court has reviewed this motion and the case file and finds no indication that the parties have conducted any discovery relating to the issues raised in the motion. Therefore, it is

ORDERED that Plaintiff's Motion *In Limine* To Exclude the Testimony of Defense Witness Seth Bayer is DENIED WITHOUT PREJUDICE as premature.

DATED: November 13, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge