

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 08-cv-02709-REB-BNB

GIACOMO KRATTER,

Plaintiff,

v.

CATHOLIC HEALTH INITIATIVES COLORADO, a Colorado corporation d/b/a Centura Health-Summit Medical Center d/b/a St. Anthony Summit Medical Center, Steadman Hawkins Clinic, Professional, LLC, A Colorado limited liability company, RANDALL W. VIOLA, M.D., MARY I. BRYAN, P. A., and THOMAS R. HACKETT, M.D.,

Defendants.

---

**ORDER**

---

By a Stipulated Motion for Extension of Time to Make F.R.C.P. 26(a)(2) Disclosures [Doc. # 61], the parties reported difficulties in scheduling depositions. Consequently, I ordered them to confer in an attempt to schedule all remaining non-expert depositions at dates and times convenient to the witnesses and lawyers. Minute Order [Doc. # 63].

The extensions of time requested by the parties were impractical. I entered an Order [Doc. # 66] on December 16, 2009, extending pretrial deadlines to the latest dates possible in view of the trial date set by the district judge. My ruling on the extensions impacted the proposed deposition schedule, however, so I ordered the parties to confer further to attempt to agree to a revised deposition schedule taking into account the expert witness deadlines I had imposed. Id. I warned the parties that “[i]n the event the parties cannot agree, I will set the [deposition] schedule as necessary.” Id. The parties agreed to some deposition dates but not to

others.<sup>1</sup>

IT IS ORDERED that the following is the schedule for all remaining non-expert witness depositions to be taken in this case. This schedule may be modified by order of the court only. I will not enforce any agreement of counsel not approved by the court which is not in compliance with this schedule. I will not modify this schedule for the convenience of counsel or any party unless the modification is stipulated. I will not modify this schedule based upon a parties' failure to subpoena a non-party witness as may be necessary to comply with this schedule. I will not modify this schedule because two depositions are set on the same day and must be taken at distant locations; counsel must assure adequate assistance to meet this schedule even in the face of such conflicts. All depositions must be commenced and completed on the date ordered.

<u>Date</u>	<u>Deponent</u>	<u>Location</u>
12/22/2009	Filippo Kratter Ann Hermenson	Denver, CO Denver, CO
1/11/2010	Tracey Shatto	Pursuant to subpoena
1/12/2010	Thomas Hackett	Vail, CO
1/13/2010	Mary Bryan	Vail, CO
1/14/2010	Steadman Hawkins Clinic Catholic Health Initiatives	Vail, CO Frisco, CO
1/15/2010	Sandy Williams	Pursuant to subpoena
1/19/2010	Mary Gage Barbara Katopis	Frisco, CO Frisco, CO

---

<sup>1</sup>The parties have agreed to the dates and locations of the following depositions: Filippo Kratter; Ann Hermenson; Mary Gage; Barbara Katopis; M. Breslin; Cathy Smith Dean; and Randall Viola. I have adopted and will enforce the agreement of the parties with respect to these depositions.

1/22/2010

M. Breslin  
Cathy Smith Dean

Frisco, CO  
Frisco, CO

1/23/2010

Randall Viola

Vail, CO

Dated December 22, 2009.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge