

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

This matter arises on the plaintiff's **Motion to Compel Production of DVD Recording of a Presentation by Defendant Viola Regarding Compartment Syndrome and Request for Emergency Hearing Regarding Such Production** [Doc. # 73, filed 1/20/2010] (the "Motion to Compel"). I held a hearing on the Motion to Compel 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 Compel is GRANTED to require the production of the DVD to plaintiff's counsel by 4:00 p.m. on January 22, 2010.

IT IS FURTHER ORDERED that the contents of the DVD may be disclosed only to the following persons absent further order of the court:

- (a) Attorneys actively working on this case;
- (b) Persons regularly employed or associated with the attorneys actively working on this case whose assistance is required in preparation for trial, at trial, or at other proceedings in this case;
- (c) Expert witnesses and consultants retained in connection with this proceeding, to the extent such disclosure is necessary for preparation, trial, or other proceedings in this case. I am informed that the name and personal identifying information of a patient other than Mr. Kratter is contained in the DVD. That name and identifying information shall be deleted in connection with the information disclosed to experts and consultants;
- (d) The court and its employees; and
- (e) Stenographic reporters who are engaged to transcribe the contents of the DVD and who are engaged in connection with proceedings necessarily incident to the conduct of this case.

IT IS FURTHER ORDERED that the Motion to Compel is DENIED insofar as it seeks the award of attorneys' fees and other sanctions.

Dated January 22, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge