

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

Civil Action No. 08-cv-02743-CMA-BNB

NAU HOLDINGS, LLC, and
HORNY TOAD ACTIVEWEAR, INC.,

Plaintiffs,

v.

DLORAH, INC.,

Defendant.

ORDER

This matter arises on the following:

(1) **Plaintiffs' Motion to Strike Dlorah's Expert Reports Under Rule 37 for Failure to Comply With Rule 26(a)(2)(B) and Request for Expedited Hearing, Including Brief In Support Thereof** [Doc. # 75, filed 7/2/2010] (the "Motion to Strike");

(2) **Unopposed Motion to Seal Motion to Strike Dlorah's Expert Reports Under Rule 37 and Exhibits A-J Attached Thereto** [Doc. # 74, filed 7/2/2010] (the "Motion to Seal");
and

(3) **Defendant Dlorah, Inc.'s Motion to Strike or Not Consider Request for an Expedited Hearing or Expedited Relief In Plaintiffs' Motion to Strike Dlorah's Expert Reports Under Rule 37 for Failure to Comply With Rule 26(a)(2)(B) and Request for Expedited Hearing, Including Brief In Support Thereof** [Doc. # 79, filed 7/6/2010] ("Motion re Expedited Hearing").

I held a hearing on the motions on July 23, 2010, 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 Strike [Doc. # 75] is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED to require the defendant to produce on or before **August 9, 2010**, unredacted copies of the survey forms prepared in connection with the market survey performed by Dr. Leon B. Kaplan; and

- DENIED in all other respects.

IT IS FURTHER ORDERED that a ruling on the Motion to Seal [Doc. # 74] is deferred pending submissions by the parties, on or before **August 9, 2010**, concerning a more narrow request to seal only confidential information.

IT IS FURTHER ORDERED that the Motion re Expedited Hearing [Doc. # 79] is DENIED as moot.

IT IS FURTHER ORDERED that the plaintiff may have to and including **August 27, 2010**, within which to designate an expert rebutting the opinions of Dr. Leon B. Kaplan and to provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) in connection with that rebuttal expert.

IT IS FURTHER ORDERED that the expert discovery cut-off is extended to and including **September 30, 2010**.

DATED July 26, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge