

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

Civil Action No.: 09-cv-00291-WYD-CBS
Date: December 14, 2009

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

SARAH HEIN,

Plaintiff,

Rosemary Orsini
Kevin Bemis

v.

AT&T OPERATIONS, INC., *et al.*,

Defendants,

Melissa Monheim Randall
Stacey Alan Campbell

EXEMPLA, INC.,

Interested Party.

Deanne C. McClung

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 8:32 a.m.

Court calls case. Appearances of counsel.

Discussion and arguments regarding Plaintiff's Motion for Extension of Time to Disclose Expert Witnesses, doc. #[47], filed 10/22/2009.

Ms. Orsini states she is withdrawing Plaintiff's Motion for Time, #[47] as Plaintiff no longer intends to use a damages expert.

ORDERED: Plaintiff's Motion for Extension of Time to Disclose Expert Witnesses, doc. #[47], is **DENIED AS MOOT**.

Discussion and arguments regarding Defendants' Motion to Amend Scheduling Order and Request for Hearing, doc. #[41], filed 9/30/2009.

Mr. Campbell states he will withdraw the Motion to Amend #[41].

ORDERED: Defendants' Motion to Amend Scheduling Order and Request for Hearing, doc. #[41], is **DENIED AS MOOT**.

Discussion and arguments regarding Plaintiff's Motion to Quash or Modify Defendant's Subpoenas to Drs. Hargett, DiSorbio, Starkey and Cobb, doc. #[63], filed 11/19/2009.

The court finds the psychotherapist/patient privilege has been waived as to all records prepared by and or in the possession of Dr. Hargett with respect to his treatment of Ms. Hein.

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

ORDERED: Plaintiff's Motion to Quash or Modify #[63] as it relates to Drs. Cobb and DiSorbio is **DENIED AS MOOT**. The Motion to Quash or Modify with respect to Dr. Hargett is **DENIED**.

Discussion and arguments regarding Defendants' Motion to Enforce Subpoenas Duces Tecum, doc. #[54], filed 10/30/2009.

For the reasons as stated on the record, it is

ORDERED: Defendants' Motion to Enforce Subpoenas Duces Tecum, doc. #[54] is **GRANTED IN PART AND DENIED IN PART**. The Motion is granted as to Starkey; denied as to Cobb; and denied as to Triggs.

ORDERED: Nonparty Exempla, Inc.'s Motion for Protective Order, doc. #[52], filed 10/30/2009 is **GRANTED IN PART AND DENIED IN PART**. The portion of the motion as it relates to Cobb and Triggs is denied as moot. The parties shall agree, by 5:00 p.m. today, on Ms. Hein's start date at AT&T. Counsel shall agree on when the two-year preceding period began. Counsel shall communicate those dates to Nonparty Exempla. Counsel for Exempla shall produce medical records for the two years preceding the start date to present. To the extent that Exempla has medical records for Dr. Starkey prior to the two-year period, Exempla shall produce to the court the documents for *in camera* review on or before **12:00 p.m. on DECEMBER 22, 2009**. Exempla shall also provide copies of the documents for *in camera* review to counsel for Plaintiff and to counsel for Defendant on or before **12:00 p.m. on DECEMBER 22, 2009**.

Discussion regarding Defendants' Motion to Enforce Subpoena Duces Tecum, doc. #[56], filed 11/03/2009.

ORDERED: Defendants' Motion to Enforce Subpoena Duces Tecum, doc. #[56] is **GRANTED**. Dr. Hargett is required to produce to Defendant, on or before **5:00 p.m. on DECEMBER 16, 2009**, all medical records reflecting his treatment of Ms. Hein. Dr. Hargett shall also send a copy the records to Plaintiff's counsel.

Ms. Orsini states that certain documents that were electronically filed contain social security numbers. Ms. Orsini states that the documents should have been filed under seal.

The court directs Ms. Orsini to determine which documents and exhibits contain the social security numbers and to provide a list to the courtroom deputy.

ORDERED: Upon receipt of the list of documents containing social security numbers, the Clerk's Office is directed to **SEAL** the documents consistent with Rule 5.2.

HEARING CONCLUDED.

Court in recess: 9:47 a.m.

Total time in court: 01:15

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