

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

Civil Action No.: 09-cv-01426-REB-CBS
Date: June 16, 2010

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

PAMA VENTURES, LLC,

Plaintiff,

N. Reid Neureiter
Justin H. Weyerhaeuser

v.

BRIAN WELLENS,

Defendant.

Steven Anton Klenda

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC MOTION HEARING

Court in session: 2:33 p.m.

Court calls case. Appearances of counsel.

Discussion and arguments regarding Defendant Wellens' Motion to Strike Pama's Untimely Supplemental Amended Trial Exhibit List, doc #[52], filed 6/2/2010.

Discussion and arguments regarding Plaintiff Pama Ventures LLC's Motion to Amend Pretrial Order to Include Additional Exhibits Listed on Plaintiff's Supplemental Amended Trial Exhibit List, doc #[56], filed 6/10/2010.

The court cites relevant case law.

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

ORDERED: Defendant Wellens' Motion to Strike Pama's Untimely Supplemental Amended Trial Exhibit List, doc #[52] is **DENIED**.

ORDERED: Plaintiff Pama Ventures LLC's Motion to Amend Pretrial Order to Include Additional Exhibits Listed on Plaintiff's Supplemental Amended Trial Exhibit List, doc #[56] is **GRANTED**.

Discussion and arguments regarding Plaintiff's Motion to Strike From the Final Pretrial Order Certain Affirmative Defenses of Defendant Brian Wellens Pursuant to Fed.R.Civ.P. 8(c), doc #[54], filed 6/7/2010.

ORDERED: Defendant shall file a Response to Plaintiff's Motion to Strike From the Final Pretrial Order Certain Affirmative Defenses of Defendant Brian Wellens Pursuant to Fed.R.Civ.P. 8(c), doc #[54] no later than **JUNE 21, 2010**. Plaintiff shall file a Reply no later than **JUNE 23, 2010**.

ORDERED: The court will hear oral arguments on Plaintiff's Motion to Strike From the Final Pretrial Order Certain Affirmative Defenses of Defendant Brian Wellens Pursuant to Fed.R.Civ.P. 8(c), doc #[54] at **9:00 a.m. on JUNE 24, 2010**.

The court requests that counsel assist the court with facts on the following issues:

- What were the Rule 26(a) disclosures, and how was a potential witness's testimony described?
- To the extent that fraud came up during Mr. Wellens' deposition, in what context did it come up?
- Is the only viable remedy to strike the affirmative defenses or are there other alternatives that should be considered?
- How should the court weigh the relative balance of these affirmative defenses coming in at this point in time, and to what extent any prejudice can be ameliorated by reopening discovery to allow a re-deposition of Mr. Wellens on these affirmative defenses?
- If the court allows a re-deposition of Mr. Wellens, who will pay for the deposition to go forward?

HEARING CONCLUDED.

Court in recess: 3:37 p.m.

Total time in court: 01:04

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