

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 09-cv-01715-WDM-BNB

MATTHEW NELSON,

Plaintiff,

v.

BREG, INC.,

Defendant.

**ORDER REGARDING PROCEDURES FOR HEARING ON MOTIONS TO
EXCLUDE TESTIMONY**

This case is before me on Defendant's Fed. R. Evid. 702 Motions to Exclude Causation Testimony (ECF Nos. 114, 115, 116, 117 and 118). Plaintiffs oppose the motions. Because the motions implicate relevance and reliability issues under Rule 702 of the Federal Rules of Evidence and the standards set forth by *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and its progeny, a hearing on the matter has been set commencing June 22, 2011. This order addresses procedures to be followed in preparation for and at the hearing.

Accordingly it is ordered:

1. All expert witnesses addressing the issues raised by the parties shall be present.
2. No later than fourteen days prior to the hearing, the proponent of the

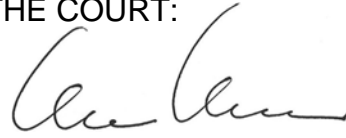
expert witness shall file a verified statement of the expert witness that sets forth the expert witness's relevant qualifications, opinions, methodology, etc. This statement shall constitute the proponent's direct examination of the expert witness and should therefore include all information the proponent would otherwise present in support of the challenged opinions. The proponent should address the challenges raised by the opposing party. Such statement shall not exceed ten pages without permission of the Court.

3. The hearing will begin with brief opening arguments by the parties followed by the challenging party's cross-examination of the expert witness. The proponent may conduct redirect examination.
4. Both parties may then call additional witnesses. A list of any additional witnesses shall be filed no later than seven days before the hearing. If any additional witness will express opinions subject to Fed. R. Evid. 702 which have not already been disclosed in discovery, a copy of that witness's curriculum vitae and a report disclosing such opinions shall be filed seven days before the hearing.

5. No later than seven days before the hearing, the parties shall file a joint exhibit list with the Court.

DATED at Denver, Colorado, on April 20, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Walker D. Miller". The signature is fluid and cursive, with a large initial "W" and "M".

s/ Walker D. Miller
United States Senior District Judge