

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

Civil Action No.: 09-cv-01976-PAB-CBS

FTR - Reporter Deck - Courtroom A402

Date: March 21, 2011

Courtroom Deputy: Linda Kahoe

VIDAL RODRIGUEZ, *et al.*,

Carole F. Kafrisen

Plaintiffs,

v.

DILLON COMPANIES, INC.,

Frederick G. Aldrich

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC MOTION HEARING

Court in session: 8:31 a.m.

Court calls case. Appearances of counsel.

Discussion and arguments regarding Plaintiffs' Motion for Leave to Amend Final Pretrial Order, doc #[36], filed 2/25/2011.

Recess: 8:48 a.m.

In session: 9:16 a.m.

Recess: 9:19 a.m.

In session: 9:31 a.m.

ORDERED: Plaintiffs' Motion for Leave to Amend Final Pretrial Order, doc #[36], is **GRANTED subject to the following conditions:**

Discovery is re-opened to allow Defense counsel to re-depose Mr. Rodriguez for no more than one hour for the limited purpose of questioning Mr. Rodriguez about the six photographs in question, and to allow Defense counsel to depose the two newly-disclosed witnesses.

The depositions of the newly-disclosed witnesses should take place in the town of their residences. If Mr. Aldrich chooses not to depose the two newly-disclosed witnesses, then Mr. Rodriguez's deposition should proceed by telephone.

If Mr. Aldrich deposes the two newly-disclosed witnesses, he may recover the cost of his travel to and from those depositions. Mr. Aldrich is not allowed to recover reimbursement for either the attorney's fees in taking those depositions, or the court reports fees in taking those depositions.

To the extent that Mr. Aldrich chooses to re-open the deposition of Mr. Rodriguez, and travel is required, Mr. Aldrich is allowed to be reimbursed for that travel time.

To the extent that Mr. Rodriguez's deposition is reopened, the cost of the court reporter for that deposition will be borne by Plaintiff.

HEARING CONCLUDED.

Court in recess: 9:46 a.m.

Total time in court: 00:44

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