

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

Civil Action No. 09-cv-2848-WDM-KMT

RICK GROSVENOR, on behalf of himself and all others similarly situated,

Plaintiffs,

v.

QWEST COMMUNICATIONS INTERNATIONAL, INC., a Delaware corporation,  
QWESET SERVICES CORPORATION, a Colorado corporation,  
QWEST CORPORATION, a Colorado corporation,  
QWEST COMMUNICATIONS CORPORATION, a Delaware corporation, and  
QWEST BROADBAND SERVICES, INC., a Delaware corporation.

Defendants.

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**ORDER**

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Miller, J.

This case comes before me on Defendants' Motion in Limine to Exclude Expert Reports and Affidavits ("Motion in Limine") (ECF No. 35). Qwest moves to exclude the expert reports and affidavits of consumer law attorneys from consideration of the Defendants' Motion to Compel Arbitration (ECF No. 13). The affidavits concern matters not germane to the basic issue of whether the parties entered into the arbitration agreement. For example, the fact that lawyer may not undertake representation if damages are minimal is not relevant in determining whether these parties entered into this particular agreement.

I denied Defendants' Motion to Compel Arbitration. See Order, ECF No. 65. Because the Motion to Compel Arbitration has been denied, the Motion in Limine is

moot. Accordingly, I deny the Motion in Limine to Exclude Expert Reports and Affidavits.

DATED at Denver, Colorado, on February 10, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Walker D. Miller", written over a horizontal line.

s/ Walker D. Miller  
United States Senior District Judge