

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

Civil Action: 10-cv-00557-JLK-CBS
Date: August 29, 2011

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Laura Galera

Parties:

Counsel:

JOHANNA ETTER, and
ARTHUR ETTER,

Christopher W. Ford
John J. Astuno, Jr.

Plaintiffs,

v.

CHARLES KING BIBBY JR., M.D.,

David M. Jones

TIMOTHY CARTER MEILNER, M.D., and

Kim B. Childs

DELTA COUNTY MEMORIAL HOSPITAL
DISTRICT,

Paul A. Faraci

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:58 p.m.

Court calls case. Appearances of counsel.

Argument regarding Joint Defense Motion to Strike Plaintiffs' Supplemental Expert Disclosures [50] and Plaintiffs' Motion to Compel Documents from Defendant Delta County Memorial Hospital District [52].

ORDERED: Joint Defense Motion to Strike Plaintiffs' Supplemental Expert Disclosures [50] is GRANTED IN PART AND DENIED IN PART. The motion is denied to the extent the motion seeks to strike the supplemental expert disclosures in their entirety and

granted to the extent that the parties are given alternative remedies as stated on the record.

ORDERED: Plaintiffs' Motion to Compel Documents from Defendant Delta County Memorial Hospital District [52] is TAKEN UNDER ADVISEMENT. The court will issue a written order.

ORDERED: Dr. Todd and Dr. Jobin are to prepare supplemental reports that comply with Fed.R.Civ. P. 26(a)(2)(b). Those reports must be signed and explain the basis for their opinions and identify the materials they considered in formulating their opinions. Once those supplemental reports are prepared, defendants may then move to reopen the depositions. Plaintiffs may challenge the motion to reopen the depositions.

ORDERED: To the extent that plaintiffs intend to limit Dr. Grayck's opinions of her medical records, no further disclosure is necessary. To the extent that plaintiffs wish to go beyond the scope of Dr. Grayck's medical records, the court will no longer treat Dr. Grayck as a treating physician, and Dr. Grayck will be required to prepare a written report that complies with Fed.R.Civ. P. 26(a)(2)(b). Dr. Grayck will be required to sign the report, which shall be prepared at either Dr. Grayck's or the plaintiff's expense. The defendant may depose Dr. Grayck on her opinions, and that deposition shall go forward in all respects, with the plaintiff bearing the cost of the court reporter and Dr. Grayck's fees.

HEARING CONCLUDED.

Court in recess: 4:37 p.m.

Total time in court: 02:39

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