

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

**Civil Action No.: 10-cv-01999-MSK-CBS**  
**Date: June 23, 2011**

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

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BARONESS SMALL ESTATES, INC.,

Joseph C. Pierzchala

Plaintiff,

v.

ROUND HILL CELLARS,

Adam Patrick O'Brien  
Mary Alice Wells

Defendant.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: MOTIONS HEARING**

**Court in session: 8:20 a.m.**

Court calls case. Appearances of counsel. Also present is Mr. Tim Dodge, client representative for Baroness Small Estates, Inc.

Discussion and arguments regarding Plaintiff's Motion for Leave to File First Amended Complaint and Jury Demand, doc #[40], filed 5/19/2011.

The court will await Plaintiff's Reply Brief. The court intends to recommend that the Motion for Leave to Amend be denied for failure to comply with Rule 16(b).

Discussion and arguments regarding Plaintiff's Motion to Strike Defendant's "Rebuttal Expert Disclosure" of Charles Fabio, doc #[27], filed 4/15/2011.

The court states that the report is vague, non-specific, and deficient pursuant to Rule 26(a)(2)(B).

The court intends to grant the motion to strike Mr. Fabio's report.

HEARING CONCLUDED.

**Court in recess: 9:45 a.m.**

**Total time in court: 01:25**

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