

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE NINA Y. WANG

Civil Action: 10-cv-02139-MSK-BNB
Courtroom Deputy: Brandy Simmons

Date: February 23, 2015
FTR: NYW COURTROOM C-205

Parties

Counsel

LENOX MACLAREN SURGICAL
CORPORATION,

George Stephen Long
Nicole A. Westbrook

Plaintiff,

v

MEDTRONIC, INCORPORATED,
MEDTRONIC SOFAMOR DANEK,
INCORPORATED,
MEDTRONIC PS MEDICAL, INCORPORATED,
MEDTRONIC SOFAMOR DANEK CO., LTD.,

Michael Simons
Steven Mark Zager

Defendants.

COURTROOM MINUTES/MINUTE ORDER

MOTION HEARING

Court in Session: 10:30 a.m.

Appearance of counsel.

Argument held on Lenox MacLaren Surgical Corporation's Expedited Motion for Forthwith Hearing and/or Decision by Not Later than January 21, 2015, Regarding Discovery Disputes [#230] filed January 16, 2015, and Medtronic Sofamor Danek Co., Ltd's Motion for Protection [#238] filed February 5, 2015.

Also pending are Defendants' Motion to Quash Subpoena to Non-Party Medtronic Sofamor Danek USA, Inc. and for Protection [#246] filed on February 11, 2015, Defendants' Motion for a Specific Trial Date [#248] filed on February 12, 2015, and Defendants' Motion to Quash Depositions of Individuals in Japan [#251] filed on February 18, 2015.

For the reasons stated on the record, it is **ORDERED**:

- (1) Plaintiff's Expedited Motion For Forthwith Hearing and/or Decision By Not Later Than January 21, 2015, Regarding Discovery Disputes [#230] is **GRANTED**, and the depositions of Gregory Angelin, Angel Lopez, and Christopher Diaz will be permitted to go forward. Counsel are directed to confer in good faith to set dates for such depositions;
- (2) Pursuant to stipulation, the Parties will be limited to twelve (12) depositions per party, excluding third parties and experts, with a total of seventy (70) hours to be completed no later than **May 4, 2015**;
- (3) Medtronic Sofamor Danek Co., Ltd's Motion for Protection [#238] is **DENIED as MOOT**. The Rule 30(b)(6) deposition of MSD Japan will occur on **February 26, 2015** in Minneapolis, Minnesota by agreement of the Parties. No later than **March 9, 2015**, Plaintiff's counsel will inform Defendants' counsel of the names of the MSD Japan employees who will be subject to deposition at the United States Consulate in Japan during the weeks of March 9 and/or 16, 2015;
- (4) Defendants' Motion to Quash Subpoena to Non-Party Medtronic Sofamor Danek USA and For Protection [# 246] is **DENIED** without further briefing. To the extent that Defendants' represent that all relevant and responsive documents have been produced, Defendants need not re-produce already produced documents, and are directed to confirm in writing that no additional responsive documents exist no later than **March 9, 2015**;
- (5) Defendants' Motion to Quash Depositions of Individuals in Japan [#251] is **DENIED as MOOT**, pursuant to the Parties' agreement that Defendants' current employees will be made available for deposition at the United States Consulate in Japan during the weeks of March 9 and/or 16, 2015;
- (6) Parties shall file a Joint Status Report on **March 13, 2015** that reflects what discovery has occurred; what discovery, if any, is forthcoming; any discovery disputes; and their respective positions regarding the entry of a trial date given the status of discovery in the action. To the extent that the depositions of Messrs. Angelin, Lopez, and Diaz are not completed by March 13, 2015, the Parties will identify dates certain on which those depositions will occur in their Joint Status Report; and
- (7) Defendants' Motion for Trial Date [# 248] is **ENTERED and CONTINUED**, and will be considered after review of the Parties' Status Report on March 13, 2015.

The court declined to alter either the expert disclosure or discovery completion deadlines.

* To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.

Counsel are instructed that if a discovery dispute arises they may, with representatives of all Parties on the line, contact chambers at (303) 335-2600 to set a conference call with Magistrate Judge Wang to determine whether informal resolution of the matter may be reached.

Court in Recess: 11:44 a.m.

Hearing concluded.

Total time in Court: 01:14