

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover  
Court Reporter: Terri Lindblom

Date: August 3, 2015

Civil Action No. 10-cv-02139-MSK-NYW

Parties:

Counsel Appearing:

LENOX MACLAREN SURGICAL CORPORATION, a  
Colorado corporation,

Stephen Long  
Nicole Westbrook

Plaintiff,

v.

MEDTRONIC, INC., a Minnesota corporation

Steven Zagar  
Michael Simons

Defendant.

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**COURTROOM MINUTES**

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HEARING: Final Pretrial Conference.

**3:14 p.m. Court in session.**

Parties are present: Linda Lenox on behalf of Lenox and Chad Hanson on behalf of Medtronic.

**PENDING MOTIONS.**

The Court will not address Motions at #324, 383, 389 prior to trial for the reasons stated on the record.

The Court addresses Plaintiff Lenox's Motion for Sanctions (**Doc. #345**) and Defendant's Motion to Strike it (**Doc. #373**).

No further arguments.

**ORDER:** The motions (**Doc. #345, #373**) are **DENIED** at this time for the reasons stated on the record.

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The Court addresses defendant's Motion for leave to File a Motion for Summary Judgment (**Doc. #369**)

No further argument.

**ORDER:** Defendant's Motion for Leave to File Motion for Summary Judgment (**Doc. #369**) is **GRANTED**, but the filing will not delay in the scheduling of or commencing of the trial in this matter as set forth in the record.

Review of the proposed final pretrial order - matters addressed:

Claims  
Defenses  
Witness List  
Exhibit List  
Anticipated motions  
Trial length, trial process,, evidentiary issues and any questions posed by counsel.

**ORDER:** Jury Trial is scheduled as follows: **January 4-7; 11-14; 19-22; 25-28, 2016** beginning at 8:30 a.m. on all days unless the Court advises otherwise. The case will be submitted to the jury no later than January 28. **No trial will be held on January 8 and 15.**

**ORDER:** Pertinent to trial process: Each side will be allotted 45 hours of time to use however they wish (openings, closings, evidence, presentation, etc.) The time is tracked by the Courtroom Deputy on a chess clock.

**ORDER:** Defendant's Motion for Summary Judgment will be filed by **August 14, 2015**, responses filed by **September 4, 2015** and reply filed by **September 18, 2015**.

**ORDER:** Revised final pretrial order, witness and exhibit lists to be filed by **September 18, 2015**.

**4:36 p.m. Court in recess.**

**Total Time: 1hour 22 minutes.**  
**Hearing concluded.**