

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

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

LENOX MACLAREN SURGICAL CORPORATION,

Plaintiff,

v.

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

Defendants.

ORDER REGARDING PLAINTIFF'S MOTION TO RECONSIDER

Magistrate Judge Nina Y. Wang

This matter comes before the court on the Motion to Reconsider filed by Plaintiff Lenox MacLaren Surgical Corporation (“Plaintiff” or “Lenox”) on September 25, 2015 [#422] (the “Motion to Reconsider”). The Motion to Reconsider was referred to the undersigned Magistrate Judge pursuant to the Reassignment dated February 9, 2015 [#243] and the Memorandum dated September 25, 2015 [#423].

In the Motion to Reconsider, Lenox seeks to reconsideration of two aspects of the court’s Order dated September 17, 2015 [#414]. First, Lenox requests that the court reconsider its statement that the conduct leading to the sanctions order was the “second instance within six months in which Plaintiff’s counsel has been less than forthright to the court,” providing an extensive explanation for counsel’s conduct. [#422 at 2-7]. Second, Lenox asks the court to

clarify that the sanction does not include Mr. Stanley Gibson or his law firm, Jeffer Mangels Butler and Mitchell LLP. [*Id.* at 7].

The court has reviewed the recording from the original discovery conference on March 10, 2015 and the docket entries associated with the emergency motion. Based on that review, IT IS ORDERED that:

(1) Plaintiff's Motion to Reconsider [#422] is DENIED IN PART and GRANTED IN PART;

(2) Plaintiff's request to remove reference to "second instance within six months in which Plaintiff's counsel has been less than forthright to the court," found on page 3 of the court's September 17 Order is DENIED; and

(3) The court hereby clarifies that the sanction does not include Mr. Stanley Gibson or his law firm, Jeffer Mangels Butler and Mitchell LLP.

DATED: September 30, 2015

BY THE COURT:

s/ Nina Y. Wang
Nina Y. Wang
United States Magistrate Judge