

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: April 19, 2011
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 10-cv-02139-RPM

LENOX MACLAREN SURGICAL CORPORATION,

Plaintiff,

G. Stephen Long
Nicole A. Westbrook
Cash K. Parker

v.

MEDTRONIC, INCORPORATED, a Minnesota corporation;
MEDTRONIC SOFAMOR DANEK, INCORPORATED,
an Indiana corporation;
MEDTRONIC PS MEDICAL, INCORPORATED, d/b/a
MEDTRONIC NEUROLOGIC TECHNOLOGIES, a California corporation; and
MEDTRONIC SOFAMOR DANEK CO., LTD., a Japanese corporation,

James E. Hartley
Michael Simons

Defendants.

COURTROOM MINUTES

Scheduling Conference and Hearing on Pending Motions

9:30 a.m. Court in session.

Court's preliminary remarks.

9:32 a.m. Argument by Mr. Simons [30].

Court's statement regarding defendants' [31] motion to certify order.

ORDERED: Defendants' Motion to Certify the Order Denying Defendants' Motions to Dismiss as an Appealable Interlocutory Order under 28 U.S.C. § 1292(b), filed March 11, 2011 [31], is denied.

Argument by Mr. Simons [32].

9:54 a.m. Argument by Mr. Long [32].

Mr. Long states plaintiff is not asserting affirmatively the arbiters damages award for tortious interference.

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10:15 a.m. Rebuttal argument by Mr. Simons.

Court states it will prepare a written order ruling on the remaining two motions and that another scheduling conference will be scheduled.

Court suggests counsel consider phased discovery.

Court further states its view regarding motions for summary judgment.

Court advises counsel of its practice regarding expert disclosures and reports (burden of proof, contradictory and rebuttal).

ORDERED: Medtronic Sofamor Danek USA, Inc's Application to Intervene, filed March 11, 2011 [30], stands submitted and is taken under advisement.

ORDERED: Defendants' Motion to Stay Lawsuit and Compel Arbitration, filed March 11, 2011 [32], stands submitted and is taken under advisement.

10:34 a.m. Court in recess.

Hearing concluded. Total time: 1 hr. 2 min.