

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

Civil Action: 10-cv-02691-WJM-CBS  
Date: November 18, 2013

FTR - Reporter Deck - Courtroom A402  
Courtroom Deputy: Courtni Covington

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Parties:

DOUGLAS BURNS,  
  
Plaintiff,

v.

TED LAURENCE, *et al.*,  
  
Defendants.

Counsel:

Leslie B. Prill  
Jared B. Briant

Jacob D. Masee  
John M. Palmeri  
Lance J. Ream  
Michael A. Watts

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: MOTION HEARING**

**Court in session: 1:33 p.m.**

Court calls case. Appearances of counsel. Plaintiff Douglas Burns appears with counsel of record.

This matter is before the court regarding **Defendant Henrique A. Fernandez, M.D.'s Motion to Dismiss and Brief in Support Thereof Pursuant to Fed.R.Civ.P. 12(b)(6)** [Doc. No. 127] and **Plaintiff's Motion for Leave to File a Second Amended Complaint** [Doc. No. 136].

The court begins with *Plaintiff's Motion for Leave to File a Second Amended Complaint*.

Plaintiff's counsel presents oral argument and engages in discussion with the court. Counsel for Plaintiff notes the parties are currently outside of discovery and addresses opposing counsel's issues with respect to undue delay and prejudice.

Counsel for Defendant Clemens presents oral argument and notes his concerns. Discussion held regarding their opposition to the Motion and the possibility of moving discovery deadlines.

The court clarifies counsel for Defendant Clemens position that if the court addresses the currently set discovery deadlines, the Motion will no longer be opposed.

Discussion between the court and counsel for Defendant Henrique regarding their position.

**ORDERED:** *Plaintiff's Motion for Leave to File a Second Amended Complaint* [Doc. No. 136, filed 10/17/2013] is **GRANTED**. Plaintiff's Second Amended Complaint is accepted for filing as of today's date.

The court notes it is granting the Motion without prejudice to the Defendants' right to assert any viable defenses they may have pursuant to Rule 12.

Discussion between the court and counsel regarding determining a new discovery schedule.

**ORDERED:** The court will **VACATE** the affirmative expert, rebuttal expert, discovery, and dispositive motion deadlines. The court will keep the currently set Final Pretrial Conference date.

**ORDERED:** A Status Conference is set for **December 20, 2013 at 10:00 a.m.**

The court notes it will at that time address the resetting of discovery deadlines.

Counsel for Defendant Clemens addresses a potential issue that may arise between the parties with respect to a protective order for medical records. The court suggests to the extent possible, the parties should have a protective order in place before discovery responses are due.

*Defendant Henrique A. Fernandez, M.D.'s Motion to Dismiss* [Doc. No. 127] was not decided at this time.

HEARING CONCLUDED.

**Court in recess: 1:57 p.m.**

Total time in court: 00:24

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