

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 10-cv-02868-MSK-KMT  
Courtroom Deputy: Sabrina Grimm

Date: April 24, 2014  
FTR: Courtroom C-201

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Parties:

L-3 COMMUNICATIONS CORPORATION, and  
L-3 SERVICES, INC.,

Plaintiffs,

v.

JAXON ENGINEERING & MAINTENANCE, INC.,  
JONI ANN WHITE,  
RANDALL K. WHITE,  
SCOTT WHITE,  
SUSAN RETTIG,  
CHARLES RETTIG,  
JAMES YOUNGMAN,  
JERRY LUBELL,  
KELLY RICE,  
JOHN MCCLURE, and  
JOHN DOES 1-25, said names being fictitious as such  
names are unknown at this time,

Defendants.

Counsel:

Steven Levitt  
Karen Weiss  
Nigel Wilkinson

Lora Brzezynski  
Jennette Roberts

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**COURTROOM MINUTES**

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**MOTIONS HEARING**

**1:32 p.m. Court in session.**

Court calls case. Appearances of counsel.

Discussion regarding case management, review of pending motions to restrict, and how to handle future motions to restrict.

**ORDERED: Defendants' Motion to Restrict Access to Plaintiffs' Reply to Plaintiffs' Motion to Compel (ECF Nos. 743 & 744) [764] is DENIED. The Clerk is directed to unrestrict document [744], including all exhibits.**

Discussion and review of pending motion to restrict [841]. Court advises counsel to review motion, as stated on record.

**ORDERED: Defendants' Motion to Restrict Access to the February 12, 2014 Hearing Transcript [962] is DENIED. The Clerk is directed to unrestrict document [945] after the release of transcript deadline of June 6, 2014.**

**ORDERED: Counsel is directed to file a listing of materials for release from restriction from November 1, 2013 to present, which have previously been filed under restriction but as to which there was not a corresponding motion to restrict by the producing party, as stated on record, on or before May 4, 2014.**

**ORDERED: Counsel is directed to supplement all remaining pending motions to restrict, as stated on record, with consideration given to the court's new procedure for the handling of confidential material and taking into account the rulings of the court on issues discussed today. The parties shall advise the Court of their position on the materials previously requested for restriction on or before May 24, 2014.**

**ORDERED: The Clerk is directed to terminate Manitou Motion Picture Company as an interested party in the case and remove Kevin Evans and Manitou Motion Picture Company from CM/ECF notification.**

2:32 p.m. Court in recess.  
2:43 p.m. Court in session.

Discussion and argument regarding AEO protection.

Mr. Wilkinson tenders an exhibit to the Court and requests the entire exhibit be restricted under restriction Level 1.

Defendants' tendered exhibit is REJECTED.

Further discussion and argument regarding AEO protection. redesignation of documents to STPO, reopening equipment inspection, and video and pictures of the pulsars.

**ORDERED: Plaintiffs' Motion to Redesignate and Continue Equipment Inspection [946] is GRANTED IN PART AND DENIED IN PART. The motion is granted as to redesignating documents marked AEO to STOP with the exception for documents relating to Jaxon's proprietary coating application. The equipment inspection for two remaining testing sets not previously subject to inspection will be permitted via video and pictorial display taken by or with an individual designated by Jaxon, who has knowledge of the equipment, as stated on record. The equipment sets do not need to be brought to Denver;**

the photographs and videos may be taken at the current site of the equipment. Defendants are directed to produce the photographs and video tapes to Plaintiffs, along with an affidavit from the individual designated by Jaxon affirming the contents of the pictures and videos and all identifying data, on or before May 1, 2014. The motion is denied in all other respects.

4:08 p.m. Court in recess.  
4:28 p.m. Court in session.

Discussion regarding extensions to discovery deadlines.

**ORDERED: Discovery deadlines are extended as follows:**

**Fact discovery extended to May 16, 2014 for the SOLE purpose of taking the deposition of the Rule 30(b)(6) witness for Jaxon.**  
**Expert Discovery cut off – August 8, 2014**  
**Affirmative Expert Disclosures – June 9, 2014**  
**Rebuttal Expert Disclosures – July 9, 2014**  
**Dispositive motions deadline remains in effect and is NOT extended.**

Discussion and argument regarding 30(b)(6) topics with respect to financials, cost reports, royalty damages, negotiations, projections, how Jaxon began its business, and purchasing expenses related to HEMP testing equipment.

**ORDERED: Defendants' Motion for Protective Order Regarding Rule 30(b)(6) Topics [982] is GRANTED IN PART AND DENIED IN PART, as modified and limited by the Court on record.**

Discussion regarding hearing dates for pending motion for sanctions [1011]. Motion is not yet fully briefed.

**ORDERED: Plaintiffs are directed not to utilize, and to remove from circulation, destroy, and/or return Defendants' privileged materials at issue in [1011] "Defendants' Motion for an Order to Show Cause Why L3 Should Not be Held in Civil Contempt, and for Sanctions, for Using Defendants' Privileged Materials" FORTHWITH. The issue of sanctions remains pending. A Motion Hearing is set for June 10, 2014 at 1:30 p.m. on [1011] in Courtroom C-201 before Magistrate Judge Kathleen M. Tafoya.**

7:05 p.m. Court in recess.

Hearing concluded.

Total in-court time 05:02

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