

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

Date: March 19, 2013
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 11-cv-00767-RPM

DR. GEORGE FREY, M.D., a Colorado Citizen,

Plaintiff,

Ian R. Walsworth
Stanley M. Gibson

v.

WARSAW ORTHOPEDIC, INC., and
MEDTRONIC SOFAMOR DANEK USA, INC., an Indiana corporation,

Defendants.

Luke L. Dauchot
Conor F. Farley
Nimalka R. Wickramasekera
Erin C. Kolter

COURTROOM MINUTES

Hearing on Motions for Partial Summary Judgment

2:00 p.m. Court in session.

Plaintiff and Defendants' client representative Chad Hanson are present.

Court's preliminary remarks and states its understanding of the case.

2:08 p.m. Argument by Mr. Dauchot.

Argument by Ms. Wickramasekera.

3:05 p.m. Argument by Mr. Gibson.

3:28 p.m. Rebuttal argument by Mr. Dauchot.

Discussion regarding scheduling.

ORDERED: Warsaw Orthopedic, Inc. and Medtronic Sofamor Danek Usa, Inc.'s Motion for Partial Summary Judgment on Capstone, [44] / [46], is denied.

Plaintiff Dr. George Frey, M.D.'s Motion and Incorporated Memorandum of Law in Support of Partial Summary Judgment Regarding Net Sales, [37] / [40], is denied.

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Plaintiff's Motion to Amend Complaint to Incorporate a Claim for Breach of the March 17, 1999 Consulting Agreement with Medtronic Sofmar Danek USA, Inc. [58], is denied.

Plaintiff has to March 29, 2013 to file an Amended Complaint (clear statement of claims).

Defendants shall file an answer in accordance with the rules.

4:00 p.m. Court in recess.

Hearing concluded. Total time: 2 hrs.