

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

Civil Action: 11-cv-01629-REB-CBS
Date: May 1, 2012

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Robin Mason

Parties:

TRUST DEPARTMENT OF FIRST
NATIONAL BANK OF SANTA FE, THE, *et*
al.,

Counsel:

Jerrald Joseph Roehl
Pete Cordova
Wesley Colin Jackson

Plaintiffs,

v.

BURTON CORPORATION, THE, *et al.*,

Brett Marshall Godfrey
Cesilie Jane Garles

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:29 p.m.

Court calls case. Appearances of counsel.

The court addresses the parties regarding the defendant's Amended MOTION for Sanctions (Docket No. 77, filed on 3/6/2012).

Defense counsel presents oral argument. Discussion regarding the defendant's MOTION to Strike Testimony and Opinions of Richard Stalnaker Under Fed.R.Evid. 702 (Docket No. 81, filed on 4/9/2012) which has not been referred to Magistrate Judge Shaffer, alleged violations, and Rule 26(a)(1).

Counsel for the plaintiffs presents oral argument. Discussion regarding re-deposing a witness in accordance with Rule 30, supplementing discovery disclosures in accordance with Rule 26(e), answers provided to interrogatories (Number 7, Number 9, and Number 10-which is not believed

to have been supplemented), Rule 26(g), and certifying with good faith in accordance with Rule 11.

Discussion regarding correspondence with Mr. Bayger and whether his telephone number and address was ever verified, how the court could rule on the amended motion for sanctions, and Rule 26(a)(2)(b).

For reasons as stated on the record,

ORDERED: The court shall **GRANT IN PART** and **DENIED IN PART** defendant's Amended MOTION for Sanctions (Docket No. 77, filed on 3/6/2012). The defendant shall submit a bill of costs which reflects the attorneys fees and costs incurred in connection with the to the previous hearing (Telephonic Discovery Hearing held on January 18, 2012) before Magistrate Judge Shaffer regarding deficient discovery. The defendant shall also be allowed to submit a bill of costs for that hearing. The defendant shall be permitted to submit a bill of costs in connection to the filing of the motion for sanctions as well as for today's hearing. As a further sanction, defense counsel may reopen the depositions of Mr. Seth Bayger and Dr. Richard Stalnaker. Those depositions may be reopened for a period of two (2) hours each. The costs of those depositions including reasonable attorney's fees for attending the deposition and the cost of the court reporter shall be incurred by the plaintiff. These depositions shall take place at defense counsel's office. The court shall not enter an order limiting or excluding the scope of the witnesses opinions. To the extend defense counsel would like to supplement his client's expert opinion, in light of those supplemental depositions, they shall be free to do so.

HEARING CONCLUDED.

Court in recess: 3:06 p.m.

Total time in court: 01:37

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