

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:11-cv-02233-WYD-MJW

CBS OUTDOOR INC., a Delaware Corporation,

Plaintiff,

v.

800 LINCOLN LLC, a Colorado Limited Liability Company

Defendants.

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**AMENDED SCHEDULING ORDER**

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The Scheduling Order entered on November 22, 2011 is hereby amended as follows:

1. Any further discovery will be limited as follows and will be completed within the following deadlines:

a. Defendant will respond to Plaintiff's Interrogatory No. 13 and will produce all documents and communications relating to the termination of the Lease no later than March 21, 2013.

b. Plaintiff will respond to Defendant's Interrogatory No. 21 and Request for Production No. 11 and will produce all documents and communications relating to the termination of the Lease no later than March 28, 2013.

c. Plaintiff may take the following depositions no later than May 31, 2013:  
(1) 30(b)(6) deposition of 800 Lincoln LLC; (2) Ed Aro; (3) Jesse Morreale; and (4) any expert endorsed by Defendant.

d. Defendant may take the following depositions no later than May 31, 2013:  
(1) 30(b)(6) deposition of CBS Outdoor Inc.; and (2) any expert endorsed by Plaintiff.

e. Both parties agree to withdraw all remaining pending discovery requests.

f. No further discovery shall be permitted absent leave of the Court.

2. There will be no further discovery regarding removal of the sign, including depositions of experts.

3. **Remaining Claims.** Three claims remain for determination at trial in this matter: (i) Plaintiff's request for Declaratory Judgment that it can remove the sign from the building (part of Plaintiff's First Claim for Relief); (ii) Plaintiff's Breach of Contract claim (Plaintiff's Third Claim for Relief), (iii) and Plaintiff's Breach of Good Faith and Fair Dealing claim (Plaintiff's Fourth Claim for Relief).

4. **Plaintiff to Disclose Claimed Damages.** Plaintiff shall supplement its disclosures pursuant to Fed.R.Civ.P. 26(a)(1) to identify or otherwise provide a computation of the damages that Plaintiff seeks at trial for its Breach of Contract and Breach of Good Faith and Fair Dealing claims by March 15, 2013.

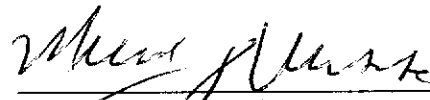
5. **Depositions.** The parties shall be entitled to the depositions consistent with the original Scheduling Order [Dkt. 20.]. Plaintiff may take the following depositions no later than May 31, 2013: (i) 30(b)(6) deposition of 800 Lincoln LLC; (ii) Ed Aro; (iii) Jesse Morreale; and (iv) any expert endorsed by Defendant. Defendant may take the following depositions no later than May 31, 2013: (i) 30(b)(6) deposition of CBS Outdoor Inc.; (ii) a possible additional representative(s) of Plaintiff based on results of the 30(b)(6) deposition (to be limited to two half-day depositions for a total of eight hours), and (iii) any expert endorsed by Plaintiff. The subject of deposition testimony shall be limited to Plaintiff's remaining claims in this matter.

6. A final pretrial conference will be held in this case on June 6, 2013 at 9:30 a.m.

A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than June 3, 2013.

DATED this 22<sup>nd</sup> day of February, 2013  
*Nunc Pro Tunc* February 13, 2013.

BY THE COURT:

  
Michael J. Watanabe  
U.S. Magistrate Judge  
District of Colorado

APPROVED:

s/ Mark T. Barnes  
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