

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-02652-LTB-BNB

OKLAND CONSTRUCTION COMPANY, INC., a Utah corporation,

Plaintiff,

v.

THE PHOENIX INSURANCE COMPANY, a Connecticut insurance company,  
THE TRAVELERS INDEMNITY COMPANY OF AMERICA, a Connecticut insurance  
company,  
ST. PAUL FIRE AND MARINE INSURANCE COMPANY, a Connecticut insurance company,  
ST. PAUL SURPLUS LINES INSURANCE COMPANY, a Connecticut insurance company,  
TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, a Connecticut insurance  
company,  
EVEREST NATIONAL INSURANCE COMPANY, a New Jersey insurance company,  
AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY, a New  
Jersey insurance company,

Defendants.

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**ORDER**

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This matter arises on the Travelers Defendants' **Motion to Amend Scheduling Order Re: Expert Designation Limitation** [Doc. # 137, filed 2/28/2013] (the "Motion"), which is GRANTED.

The Travelers Defendants request a modification of the Scheduling Order to increase the number of specially retained experts per separately represented party from five to six. As grounds, the Travelers Defendants assert that their amended counterclaims introduced a new issue into the case not contemplated at the time of the scheduling conference. Okland opposes the Motion, arguing that the expert testimony the Travelers Defendants seek to add "is unrelated to the claims and defenses Travelers has raised in this litigation." Response [Doc. # 143] at ¶1.

The report of the expert at issue is not before me and, in its absence, I cannot determine whether the proposed opinions are relevant or not. Nor is this the appropriate time for that determination. I am asked here only to increase the number of experts allowed. The issues of relevance and admissibility must await pretrial motions in limine or contemporaneous objections at trial.

IT IS ORDERED:

- (1) The Motion [Doc. # 137] is GRANTED; and
- (2) The Scheduling Order is modified to provide that each separately represented party may designate no more than six specially retained expert witnesses.

Dated March 8, 2013.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge