

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

Civil Action No. 11-cv-02765-PAB-BNB

DALIP BASANTI,

Plaintiff,

v.

JEFFREY METCALF, M.D.,  
JASON ROZESKI, M.D.,  
PLATTE VALLEY MEDICAL CENTER, and  
THE UNITED STATES OF AMERICA,

Defendants.

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**ORDER**

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This matter arises on the following:

- (1) **Plaintiff's Motion *In Limine* to Preclude Disclosure of Subsequent Expert Witness Report Due to Inadvertent Disclosure** [Doc. # 126, filed 4/2/2013] (the "Motion In Limine");
- (2) **Defendant United States' Motion for Leave to Exceed Deposition Time Limit** [Doc. # 131, filed 4/9/2013] (the "Motion re Huffman Deposition");
- (3) **Plaintiff's Amended Motion to Quash, Motion for Protective Order and Motion for Immediate Hearing** [Doc. # 135, filed 4/9/2013] (the "Motion to Quash"); and
- (4) **Plaintiff's Motion to Enforce F.R.C.P. 30(d)(1) and Request for Expedited Briefing** [Doc. # 137, filed 4/10/2013] (the "Motion re Scope of Expert Testimony").

I held a hearing on the motions this morning and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion In Limine [Doc. # 126] is DENIED;

(2) The Motion re Huffman Deposition [Doc. # 131] is GRANTED. The defendants may reopen the deposition of Dr. Laurence Huffman for an additional 3.5 hours of examination. The deposition shall occur in person, and not by video conference, at a date, time, and place as the parties may agree provided the deposition is completed not later than June 10, 2013;

(3) The Motion to Quash is GRANTED. Although I find that the contract in question is relevant to matters in dispute of is reasonably calculated to lead to the discovery of admissible evidence, the United States failed to comply with the requirements of Butler v. Biocare Med. Tech., Inc., 348 F.3d 1163, 1173 (10th Cir. 2003), concerning giving notice of the subpoena. The United States may obtain the contract pursuant to a subpoena duces tecum upon proper notice and service;

(4) The Motion re Scope of Expert Testimony [Doc. # 137] is DENIED; and

(5) At the parties' request and on a showing of good cause, the discovery cut-off is extended to and including July 2, 2013, for the completion of depositions only.

Dated May 1, 2013.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge