

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 11-cv-03143-WJM-KMT
Courtroom Deputy: Sabrina Grimm

Date: July 17, 2013
FTR: Courtroom C-201

JTS CHOICE ENTERPRISES, INC.,

Lauren Mosse

Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY,
METRO PAINT SUPPLIES, INC., and
AUTOMOTIVE COATINGS & EQUIPMENT,
LLC,

David Stauss
Meshach Rhoades

Defendants.

COURTROOM MINUTES

1:32 p.m. Court in session.

Court calls case. Appearances of counsel.

Plaintiff's client representative, Joe Schweid, is also present.

Discussion regarding pending motions with respect to restrictions.

ORDERED: Motion to Restrict Exhibits 2 and 3 to Plaintiff's Response to Motion to Reconsider the May 9 Order and to Restrict Exhibits Attached in Document Number 212 (Dkt No. 260) [288] is DENIED, for reasons stated on record. Exhibits 2 and 3 should no longer be held as restricted documents. The Clerk is directed to UNRESTRICT document number [260].

ORDERED: Motion to Restrict Plaintiff's Response to Defendant E. I. Du Pont De Nemours and Company's Motion in Support of its Confidential and Highly Confidential Document Designations (Dkt No. 319) [329] is DENIED, for reasons stated on record. The Clerk is directed to UNRESTRICT document number [319].

ORDERED: Unopposed Motion of E. I. Du Pont De Nemours and Company to Restrict Dupont's Response to Plaintiff's/Counterclaim Defendant's Motions to Re-open the Depositions of Mark Wagner, John McLaughlin, and to Take a Second 30(B)(6) Deposition of Dupont and Certain Exhibits to Same [332] is GRANTED, for reasons stated on record. Exhibits K, L, M, N, P, Q, R, and S, attached to document number [324], will continue to be held under Restriction Level 1.

Discussion regarding pending motion on confidentiality of documents, designations, and provisions of protective order.

ORDERED: Defendant E.I. Du Pont De Nemours and Company's Motion in Support of its Confidential and Highly Confidential Document Designations [299] is GRANTED IN PART. Defendant E.I. Du Pont De Nemours has withdrawn the confidentiality designation from eight of the nine documents addressed by Plaintiff JTS. The Court finds the confidentiality designation to the remaining document is inappropriate. With the exception of these nine documents, the remaining documents will remain confidential as marked by Du Pont.

Discussion regarding pending motions referencing counterclaim issues, dates for future hearings, bifurcation, counterclaim discovery, video deposition, and location of deposition.

ORDERED: Plaintiff's/Counterclaim Defendant's Motion to Take The Deposition of Defendant/Counterclaim Plaintiff E. I. Du Pont De Nemours and Company on its Counterclaim Pursuant to Fed.R.Civ.P. 30(a)(2)(A)(ii) [277] is GRANTED.

ORDERED: Plaintiff/Counterclaim Defendant's Motion to Re-Open the Deposition of Mark Wagner Pursuant to Fed.R.Civ.P. 30(a)(2)(A)(ii) [278] is GRANTED. Plaintiff/Counterclaim Defendant's Motion to Re-Open the Deposition of John McLaughlin Pursuant to Fed.R.Civ.P. 30(a)(2)(A)(ii) [279] is GRANTED. Counterclaim Defendant JTS may re-open the depositions of Mark Wagner and John McLaughlin for the purposes of inquiry into the counterclaims. Mr. Wagner's deposition shall be limited to 3 hours and 49 minutes and Mr. McLaughlin's deposition shall be limited to 4 hours and 40 minutes. The depositions shall also be taken in Delaware. Counterclaim Plaintiff E.I. Du Pont De Nemours is entitled to one or more Rule 30(b)(6) deposition, limited to 7 hours of testimony even if multiple designees are deposed.

Discussion regarding summary judgment, bifurcation of summary judgment, bifurcation of dispositive motion deadline, and amending the protective order.

ORDERED: Plaintiff's/Counterclaim Defendant's Motion to Compel the Availability of Counterclaim Deponents in Colorado [328] is GRANTED IN PART AND DENIED IN PART. The motion is granted as to the 30(b)(6) witness, except to the extent Du Pont designates Mr. Wagner and/or Mr. McLaughlin as a 30(b)(6) witness. To the extent they are so designated, their depositions will be taken in Delaware in conjunction with continued depositions ordered herein to save the parties travel costs.

ORDERED: All depositions allowed pursuant to this Order shall be taken on or before September 13, 2013.

ORDERED: The dispositive motion deadline with respect to Du Pont's counterclaims is September 30, 2013.

ORDERED: The Final Pretrial Conference set for September 17, 2013 at 9:15 a.m. is VACATED. A Telephonic Final Pretrial Conference as to all matters in the case will be held on November 21, 2013 at 10:00 a.m. The parties shall initiate a conference call and contact chambers at (303) 335-2780 at the time of the Final Pretrial Conference. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven (7) days before the final pretrial conference.

3:08 p.m. Court in recess.

Hearing concluded.

Total in-court time 01:36

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.