

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE R. BROOKE JACKSON

Civil Action: 11-cv-03222-RBJ
Date: November 5, 2012

Court Reporter: Kara Spitler
Courtroom Deputy: Emily Seamon

Parties:

Counsel:

CHRIS JAKUBAUSKAS,

Christopher Gilbert

Plaintiff,

v.

ECOLAB, INC.,

Jordan Lipp
Douglas Pfeifer

Defendant.

COURTROOM MINUTES/MINUTE ORDER

TELEPHONIC DISCOVERY CONFERENCE

Court in Session: 8:33 a.m.

Court calls case. Appearances of counsel.

Discussion between the Court and counsel regarding Defendant Ecolab Inc.'s Rule 26(g)(3) and 37(c)(1)(A) Motion for Costs and Attorney's Fees Caused by Plaintiff's Discovery Violations.

Discussion regarding Plaintiff's injuries and Plaintiff refusing to provide medical releases. Discussion regarding a letter from Defendant's counsel to Plaintiff's counsel and the duty to confer.

ORDERED: Defendant Ecolab Inc.'s Rule 26(g)(3) and 37(c)(1)(A) Motion for Costs and Attorney's Fees Caused by Plaintiff's Discovery Violations [Doc. No. 31] is GRANTED. The Court orders sanctions for discovery violations against Mr. Jakubauskas and not against the law firm of Irwin & Boesen, P.C. Before Defendant files any request for a specific amount, counsel shall confer in good faith and try to reach an agreement. If counsel cannot agree on an amount or on a means of payment, Defendant may file its request for a specific amount. Plaintiff's counsel may also request an evidentiary hearing.

ORDERED: Defendant shall hire a doctor who is not a professional witness, or Plaintiff's counsel may have a third party present to videotape the IME of the Plaintiff.

ORDERED: Plaintiff shall provide a written discovery response to Defendant's request for production within 10 days of today's date.

ORDERED: Plaintiff shall provide his signed disability application to the Defendant at the time of Plaintiff's IME.

Hearing concluded.

Court in recess: 9:01 a.m.

Total time in court: 00:28