

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 11-cv-03248-MSK-MJW

FTR - Courtroom A-502

Date: March 16, 2012

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

ALAN C. LAMMLE,

Amy J. Simons

Plaintiff(s),

v.

BALL CORPORATION, and
BALL AEROSPACE & TECHNOLOGIES
CORPORATION,

Kelly K. Robinson
Matthew M. Morrison

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE / MOTION HEARING

Court in session: 10:00 a.m.

Court calls case. Appearances of counsel.

The Court raises Defendant Ball Corporation's Motion for a More Definite Statement for argument.

No additional argument by defendants from those in the motion.

Argument by Ms. Simons on behalf of plaintiff.

It is ORDERED: Defendant Ball Corporation's MOTION FOR A MORE DEFINITE STATEMENT [Docket No. **19**, filed March 12, 2012] is **GRANTED** for reasons as set forth on the record.

Plaintiff need not file a new amended complaint, but shall file Plaintiff's More Definite Statement.

On or before MARCH 30, 2012, Plaintiff shall file his more definite statement addressing each claim paragraph, in the Amended Complaint [Docket No. 16, filed February 16, 2012], to state if it applies to one defendant only, and which one, or if it applies to both defendants.

Counsel shall meet and confer on any documents which plaintiff cannot clearly discern which defendant the document belongs to.

It is ORDERED: Plaintiff shall have up to and including **APRIL 16, 2012** within which to respond to Defendant Ball Aerospace & Technologies Corporation's Motion for Partial Dismissal [Docket No. **21**, filed March 12, 2012]. Defendants shall have up to and including **APRIL 30, 2012** within which

to file any replies.

The following will confirm the actions taken and dates set at the scheduling conference held this date:

Joinder of Parties/Amendment to Pleadings: **APRIL 30, 2012**

Discussion is held regarding the serious nature of the current medical situation of the Plaintiff. The Court determines deadlines should be extended beyond the normal time frames.
Discovery Cut-off: **NOVEMBER 05, 2012**

Dispositive Motions Deadline: **DECEMBER 17, 2012**

Each side shall be limited to five (5) expert witnesses, including experts, without further leave of Court.

Plaintiff shall designate experts **on or before AUGUST 06, 2012**

Defendants shall designate experts **on or before SEPTEMBER 06, 2012**

Parties shall designate rebuttal experts **on or before OCTOBER 15, 2012**

The disclosure of Experts shall be consistent with Fed. R. Civ. P. 26(a)2(B).

Interrogatories, Requests for Production, and Requests for Admissions shall be served on or before **OCTOBER 01, 2012**

Each side shall be limited to twenty-five (25) Interrogatories, twenty-five (25) Requests for Production, and twenty-five (25) Requests for Admissions, without leave of Court.

Each side shall be limited to ten (10) depositions. Each deposition shall be limited to one (1) day of a maximum of seven (7) hours, absent leave of Court. Plaintiff's deposition shall be taken in increments if necessary. A determination shall be made if a preservation deposition needs to be taken in addition to a discovery deposition.

All depositions, fact and expert witnesses, shall be completed no later than **NOVEMBER 05, 2012**

Parties shall use deposition exhibits numbered in consecutive order, not separated as Plaintiff Exhibits or Defendant Exhibits. Parties shall not use any duplicative exhibits.

Parties are to seek private alternative dispute resolution **on or before NOVEMBER 05, 2012**. Given the medical status of plaintiff, it is anticipated the parties may file a Motion requesting the Magistrate Judge conduct a Settlement Conference. No **SETTLEMENT CONFERENCE** is set at this time.

Any **FINAL PRETRIAL CONFERENCE, TRIAL PREPARATION CONFERENCE,** and **TRIAL** will be set by the Honorable Marcia S. Krieger at a future date. The parties anticipate a five (5) day trial to a jury.

● Parties are directed to www.cod.uscourts.gov regarding Judicial Officers' Procedures and shall fully comply with the procedures and Practice Standards of the judicial officer assigned to try this case on the merits.

Absent exceptional circumstances, no request for rescheduling any appearance in this court will be entertained unless a written request is made five (5) business days in advance of the date of appearance.

[X] Scheduling Order is signed and entered with interlineations **MARCH 16, 2012**

Hearing concluded.

Court in recess: 10:53 a.m.

Total in-court time: 00:53

To order a transcript of this proceedings, contact Avery Wood Reports (303) 825-6119 or Toll Free 1-800-962-3345.