

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

Civil Action No. 12-cv-00501-REB-MJW

FTR - Courtroom A-502

Date: October 30, 2012

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

DANIEL HAMILTON,

Thomas J. Kresl

Plaintiff(s),

v.

MOOG, INC.,

Sandy M. Eloranto

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC MOTION HEARING

Court in Session: 2:05 p.m.

Court calls case. Appearances of counsel. It is noted Mr. Fern is unable to appear on the conference call as he is located in New York which is being battered by severe storms, primarily Hurricane Sandy.

The Court raises Moog Inc.'s Motion to Strike Plaintiff's Experts Stephen F. Badylak, D.V.M., M.D., Ph. D. and David S. Bailie, M.D. [Docket No. 28] for discussion.

It is noted Plaintiff provided reports by Dr. Bailie on September 25, 2012, and Dr. Badylak on September 28, 2012.

It is ORDERED: Moog Inc.'s MOTION TO STRIKE Plaintiff's Experts Stephen F. Badylak, D.V.M., M.D., Ph. D. and David S. Bailie, M.D. [Docket No. 28, filed September 28, 2012] is **DENIED** for reasons as set forth on the record.

It is ORDERED: Defendant shall have up to and including **NOVEMBER 09, 2012** within which to make its 26(a)(2) disclosures.

Plaintiff shall have up to and including **DECEMBER 03, 2012** to designate rebuttal experts.

Discovery Cut-off is extended to **DECEMBER 31, 2012**.

Dispositive Motions deadline is extended to **JANUARY 18, 2013**.

Scheduling Order [Docket No. 16, filed May 04, 2012] is amended accordingly.

Plaintiff's counsel shall discuss with Dr. Bailie his prior testimony in other cases.
Plaintiff shall create with Dr. Bailie a list of other cases in which Dr. Bailie has testified, and provide the list to Defendant **by 5:00 p.m. NOVEMBER 02, 2012.**

Discussion is held regarding the agreement between the parties as to the hourly fee to be paid Dr. Bailie

It is noted Dr. Motz is noticed for deposition Tuesday and is under subpoena to produce certain documents.

Discussion is held regarding medical releases which were signed as recently as this morning.

Hearing concluded.

Court in recess: 2:32 p.m.

Total In-Court Time 00: 27

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