

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 12-cv-00725-PAB-CBS
Date: May 3, 2012

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Robin Mason

Parties:

M J WYLIE,

Plaintiff,

Counsel:

William P. Boyle
Scott William O'Sullivan

v.

OMNI HOTELS MANAGEMENT
CORPORATION,

Defendant.

Leslie Anne Kendrick

COURTROOM MINUTES/MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 10:41 a.m.

Court calls case. Appearances of counsel.

Discussion regarding what type of discovery the parties need. Ms. Kendrick advises the court that the deposition of Dr. Reid is all that needs to be scheduled.

The court addresses the parties regarding plaintiff's MOTION for Order to Bind Defendant to CRCP 30(b)(6) Testimony and Limit the Testimony of CRCP 30(b)(6) Representative David Jurcak (Docket No. 18, filed on 4/12/2012), defendant's RESPONSE to #18 MOTION for Order to Bind Defendant to CRCP 30(b)(6) Testimony and Limit the Testimony of CRCP 30(b)(6) Representative David Jurcak (Docket No. 19, filed on 4/12/2012), and plaintiff's REPLY to Response to #18 MOTION for Order to Bind Defendant to CRCP 30(b)(6) Testimony and Limit the Testimony of CRCP 30(b)(6) Representative David Jurcak (Docket No. 21, filed on 4/26/2012).

Mr. Boyle presents oral argument.

Discussion regarding the plaintiff's motion, plaintiff's reply, related case law, why Mr. Jurcak is being retained as an expert witness according to Rule 702, disclosing according to Rule 26, and the possibility of settling this case.

11:20 a.m. Off the record

11:37 a.m. Back on the record

Counsel for the plaintiff makes an oral motion to withdraw their MOTION for Order to Bind Defendant to CRCP 30(b)(6) Testimony and Limit the Testimony of CRCP 30(b)(6) Representative David Jurcak (Docket No. 18, filed on 4/12/2012). Defense counsel makes no objection.

ORDERED: The court shall allow the plaintiff's MOTION for Order to Bind Defendant to CRCP 30(b)(6) Testimony and Limit the Testimony of CRCP 30(b)(6) Representative David Jurcak (Docket No. 18, filed on 4/12/2012) to be **WITHDRAWN without prejudice**.

The parties advise the court that they would like to meet and confer further to figure out how they would like to proceed with this case.

Parties have held a Rule 26(f) meeting and Rule 26(a) disclosures have been fulfilled.

Discovery Cut-off: **June 29, 2012**

A SETTLEMENT CONFERENCE has not been set.

FINAL PRETRIAL CONFERENCE is set for July 24, 2012 at 9:15 a.m.

Final Pretrial Order is due **no later than SEVEN (7) DAYS before the Final Pretrial Conference.** (See the court's website for Instructions for Preparation and Submission)

Counsel may not file any OPPOSED discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference call adding Magistrate Judge Shaffer as the last connection. The Court will hear arguments and attempt to mediate a resolution. The Court will instruct counsel at that time as to whether or not to file a discovery motion.

TRIAL:

The parties anticipate a four (4) day trial.

- Scheduling Order is signed and entered with interlineations.

HEARING CONCLUDED.

Court in recess: 11:38 a.m.

Total time in court: 00:57

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