

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 12-cv-00763-RPM

RANDY LEE RIGGAN,

Plaintiff,

v.

OFFICER CHRIS TYROLT, in his official and individual capacity,
SERGEANT CRYSTAL JOHNSON, in her official and individual capacity, and
SERGEANT JIM BANG, in his official and individual capacity,

Defendants.

ORDER DENYING MOTION FOR LEAVE TO DISCLOSE EXPERT OUT OF TIME

On August 16, 2013, the plaintiff filed a Motion for Leave to Disclose Expert out of Time, and for Acceptance of Contemporaneously-Filed Disclosure [62], the defendants' responded on September 9, 2013 [67], and the plaintiff replied on September 20, 2013 [69]. Upon review of the deposition transcript of the proposed opinion witness, Michael Valdez, submitted on August 23, 2013 [66], the Court finds and concludes that he is a percipient witness to the events giving rise to this civil action and has a personal friendship with the plaintiff. In this Court's view, the opinions of Michael Valdez cannot be admitted under FRE 702, and the motion is untimely. It is

ORDERED that the plaintiff's motion is denied.

Dated: November 8th, 2013

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge