

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01424-DME-BNB

LOU LOU GOSS,

Plaintiff,

v.

PAUL ZUEGER,  
AMERICAN DESIGN, LTD.,  
CLAYTON LANE FINE ARTS LLC,  
GALLERY DENVER, INC.,  
SOLARIS GALLERY AT VAIL, LLC,  
GROVE FINE ARTS LTD.,  
ASPEN GROVE FINE ARTS, LTD.,  
C ANTHONY GALLERY, INC.,  
MASTERS GALLERY AT VAIL, LLC,  
BRECKENRIDGE FINE ARTS LLC,  
GALERIE ZUGER, LTD., and  
JOHN DOES 1-20,

Defendants,

v.

THE ESTATE OF EARL V. BISS, JR.,

Third-Party Defendant.

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**ORDER**

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This matter arises on the following:

- (1) **Unopposed Motion for Protective Order** [Doc. # 137, filed 8/8/2013] by third-party witness Bradley Burnett (“Burnett’s Motion for Protective Order”);
- (2) **Third Party Defendant’s Motion for Protective Order** [Doc. # 139, filed 8/8/2013] (the “Estate’s Motion for Protective Order”);

(3) Defendants' **Motion for Protective Order** [Doc. # 143, filed 8/14/2013]

("Defendants' Motion for Protective Order"); and

(4) **Third Party Defendant's Motion for Extension of Time of Discovery**

**Deadline** [Doc. # 146, filed 8/16/2013] (the "Estate's Motion for Extension").

I held a hearing on the motions this morning and made rulings on the record, which are incorporated here. I find that the plaintiff and the Estate have failed to act with reasonable diligence to justify the extension of the discovery cut-off or other deadlines. Consequently, I will allow only to be completed only that discovery which was initiated during the discovery period, pursuant to the schedule established in this order. The discovery schedule set forth below may be amended only by further order of the court.

IT IS ORDERED:

(1) Burnett's Motion for Protective Order [Doc. # 137] is DENIED as moot, the date of the subpoena having expired while the motion was pending. Bradley Burnett shall appear for his deposition on October 28, 2013, at a time designated in the deposition notice, at the offices of G.W. Merrick & Associates, LLC, 6300 South Syracuse Way, Suite 220, Centennial, Colorado. The subpoena previously served on Mr. Burnett is continued to October 28, 2013, at the time designated in the deposition notice, and no further subpoena shall be required.

(2) The Estate's Motion for Protective Order [Doc. # 139] is DENIED as moot, the date of the subpoena having expired while the motion was pending. Christopher Goss shall appear for his deposition on October 11, 2013, at 1:30 p.m., at the offices of Thomas L. Adgate, 758 Main Street, Carbondale, Colorado. The subpoena previously served on Mr. Goss is continued to that date and time, and the plaintiff and the Estate shall assure Mr. Goss'

appearance for his deposition.

(3) The Defendants' Motion for Protective Order [Doc. # 143] is GRANTED IN PART and DENIED IN PART. Specifically, Defendants' Motion for Protective Order is DENIED insofar as it seeks to preclude the deposition of defendant American Design, Ltd., pursuant to Fed. R. Civ. P. 30(b)(6), and that deposition shall occur on October 18, 2013, at 9:00 a.m., at the offices of G.W. Merrick & Associates, LLC, 6300 South Syracuse Way, Suite 220, Centennial, Colorado. Defendants' Motion for Protective Order is GRANTED in all other respects.

(4) The Estate's Motion for Extension [Doc. # 146] is DENIED.

(5) The defendants' request for the award of attorneys fees is DENIED because the conduct of the plaintiff and third party defendant and their counsel was substantially justified.

Dated September 30, 2013.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge