

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 12-cv-01740-RM-KMT
Courtroom Deputy: Sabrina Grimm

Date: July 18, 2013
FTR: Courtroom C-201

KATIE BROWN,

Plaintiff,

R. Craig Ewing

v.

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY,

David Ganderton

Defendant.

COURTROOM MINUTES

Motion Hearing

1:30 p.m. Court in session.

Court calls case. Appearances of counsel.

Also present, James Powers on behalf of former defendant Jami Fryer.

Court advises all parties that Jami Fryer is a terminated party in the case.

Court states its understanding of the issue.

Discussion regarding witnesses, depositions, deposing witness Alan Gardner (Fed-Ex Driver), discovery motions, and potential mediation.

Courts states Mr. Powers may participate in Alan Gardner's deposition.

Defendant's oral motion to include Alan Gardner as a witness to be deposed by Mr. Ganderton.

ORDERED: Defendant's oral motion to include Alan Gardner as a witness to be deposed is GRANTED.

ORDERED: Defendant's Motion to Modify Scheduling Order [92] is **GRANTED IN PART**. Discovery deadline is extended to September 25, 2013, solely for the purposes of deposing potential material witness Alan Gardner and former defendant Jami Fryer. The deadline is also extended for parties to engage in mediation, if they so desire. Dispositive motion deadline is extended to October 25, 2013. The Final Pretrial Conference set for September 30, 2013 is **VACATED**. A Telephonic Final Pretrial Conference is **RESET** for January 7, 2014 at 10:00 a.m. The parties shall initiate a conference call and contact chambers at (303) 335-2780 at the time of the Final Pretrial Conference. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven (7) days before the final pretrial conference.

Discussion regarding Matters for Examination (Doc. No. 84-1).

ORDERED: Defendant American Family Mutual Insurance Company's Motion for Protective Order re: 30(b)(6) Deposition of American Family [84] is **GRANTED IN PART AND DENIED IN PART**; as follows:

1. **Objection sustained as all inclusive. The information is provided in the remaining topics;**
2. **No objection by Defendant;**
3. **Withdrawn by Plaintiff;**
4. **Withdrawn by Plaintiff;**
5. **Objection overruled, with the caveat that claims handling is not the issue in the case;**
6. **Objection overruled;**
7. **Objection overruled;**
8. **Objection overruled, with the understanding that legal conclusions would not be proper questions for a 30(b)(6) witness;**
9. **Objection sustained, with respect to the topic as it is currently phrased. The Court will allow the topic if "facts and evidence with respect to Katie Brown's injuries...." is substituted for the word "evaluation".**

10. Objection is sustained in part. The Court amends the topic to read “the facts underlying or supporting American Family’s general and affirmative defenses asserted in a law suit.”

11. No objection by Defendant.

2:46 p.m. Court in recess.

Hearing concluded.

Total in-court time 01:16

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.