

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01856-MSK-BNB

GAIL WATERS, as personal representative of the Estate of Alonzo Ashley,

Plaintiff,

v.

CITY AND COUNTY OF DENVER, a municipality,
DENVER ZOOLOGICAL FOUNDATION, INC., a nonprofit corporation,
ANDREW DERRITT, an employee of the Denver Zoological Foundation, in his individual capacity,
ERIC FLUEGEL, an employee of the Denver Zoological Foundation, in his individual capacity,
AARON LAWYER, an employee of the Denver Zoological Foundation, in his individual capacity,
JAMES TOTTEN, an employee of the Denver Zoological Foundation, in his individual capacity,
PHILLIP COLEMAN, a Denver Police Department deputy, in his official and individual capacity,
PETE CONNER, a Denver Police Department lieutenant, in his official and individual capacity,
JENNIFER CURTIS, a Denver Police Department deputy, in her official and individual capacity,
JOE GASKA, a Denver Police Department deputy, in his official and individual capacity,
JUSTIN JONES, a Denver Police Department lieutenant, in his official and individual capacity,
CHERYL SMITH, a Denver Police Department deputy, in her official and individual capacity,
SEAN STEVENSON, a Denver Police Department deputy, in his official and individual capacity,
CHARLES WHEELING, a Denver Police Department deputy, in his official and individual capacity, and
JOHN DOE 1-5 employees of the Denver Police Dept. in official and individual capacities;
JOHN DOE 6-10, employees of Denver Zoological Foundation, in official and individual capacities,

Defendants.

ORDER

This matter arises on the following:

- (1) **Zoo Defendants' Motion to Strike Experts** [Doc. # 86, filed 5/24/2013] (the "Motion to Strike Experts");

- (2) **Plaintiff's Motion to Extend Expert Deadline** [Doc. # 88, filed 5/24/2013];
- (3) **Zoo Defendants' Status Report** [Doc. # 92, filed 6/12/2013]; and
- (4) **Plaintiff's Motion to Modify Scheduling Order** [Doc. # 97, filed 6/16/2013].

I held a hearing on these motions this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion to Strike Experts [Doc. # 86] is DENIED as moot with respect to Gary Schwartz, Mr. Schwartz having been withdrawn by the plaintiff as a specially retained expert, and DENIED with respect to Drs. Judy Melinek and John Carver;

(2) Plaintiff's Motion to Extend Expert Deadlines [Doc. # 88] is DENIED as moot in view of my ruling on the Motion to Strike Experts;

(3) Plaintiff's Motion to Modify the Scheduling Order [Doc. # 97] is GRANTED as follows:

- The plaintiff may take no more than 14 depositions, plus the depositions of any specially retained experts designated pursuant to the Scheduling Order;

- The discovery cut-off is extended to and including **September 17, 2013**, solely to allow for the taking and completion of depositions. On or before **June 26, 2013**, the parties shall file a proposed deposition schedule establishing firm dates and times for all remaining depositions. I will make the proposed deposition schedule an order of the court, which may be modified only by my subsequent order; and

- The dispositive motion deadline is extended to and including **October 18, 2013**.

Dated June 18, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge