

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

Civil Action No. 12-cv-02079-MSK-KMT

GIOVANNI LARATTA,

Plaintiff,

v.

DALE BURKE,
LYNN TRAVIS,
RAEANNE WILL,
MALISSA JONES,
C.O. HARTUNG, and
TINO HERRERA,

Defendants.

ORDER

This matter is before the court on “Plaintiff’s Partially Unopposed Motion to Modify the Scheduling Order (Doc. 33)” [Doc. No. 39] filed June 1, 2013. Defendants’ opposition to the portion of the request seeking a deadline for designation of expert witnesses was filed on June 18, 2013 [Doc. No. 45]. An Amended Complaint was filed on July 31, 2013. [Doc. No. 47.] The defendants filed a partial motion to dismiss and their Answer on August 14, 2013. [Doc. Nos. 48 and 49].

At the time of the original scheduling conference in this matter, the plaintiff was appearing *pro se* and the court therefore allowed only minimal opportunity for depositions and

did not consider the designation of expert witnesses based on the plaintiff's stated inability to retain such experts. Since that time, legal counsel has entered an appearance in the case and now seeks simply to obtain a scheduling order which allows for reasonable discovery under the presumptive limitations in the Federal Rules of Civil Procedure. While the court does not discount the defendants' stated objections to the designation of certain types of expert witnesses, those arguments are better left to a separate motion to exclude expert witness testimony after designations are fully and appropriately made by the parties. At this early stage of the litigation, the court concurs with the plaintiff that a reasonable schedule must be set for the timing of various aspects of the case, now that Plaintiff is represented by counsel and an Amended Complaint is of record.

Given the current posture of the case, the court finds that a sixty day extension of previous deadlines is warranted.

Therefore, it is **ORDERED**.

"Plaintiff's Partially Unopposed Motion to Modify the Scheduling Order (Doc. 33)" [Doc. No. 39] is **GRANTED** as follows:

- a. Each side shall be limited to 25 Interrogatories, 25 Requests for the Production of Documents and 25 Requests for Admissions. The last day for submitting any of these forms of written discovery shall be 33 days prior to the discovery cut-off.
- b. Each side shall be limited to 10 depositions, excluding expert witnesses. No deposition shall be longer than 7 hours of testimonial time unless all parties agree to an extended schedule or the parties obtain an order from the court.
- c. Each side shall be limited to no more than 3 designated expert witnesses.

d. The Discovery Schedule shall be as follows:

September 19, 2013	Initial Disclosures Due (to the extent such disclosures have not been previously made), with attached documents.
October 1, 2013	Designation and disclosure of affirmative experts.
November 1, 2013	Designation and disclosure of rebuttal experts
December 2, 2013	Discovery Cut Off
January 15, 2014	Dispositive Motions Deadline

Dated this 19th day of August, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge