

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 12-cv-02320-RM-CBS
Date: April 15, 2014

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

KATHRYN MCKELLAR,

Plaintiff,

Counsel:

Joshua D. Stoll
Rebecca B. Albano

v.

VENTANA APARTMENTS, LLC,

Defendant.

Christian S. Monson
Lelia K. Chaney

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 9:59 a.m.

Court calls case. Appearances of counsel.

Argument and discussion between the court and counsel regarding **Plaintiff's Motion to Amend Case Caption to Clarify Plaintiff's Role as Including Personal Representative of the Estate of Jonathan Frost** [Doc. No. 69].

Discussion held regarding Plaintiff's survivorship claim, the discovery produced and amount of damages related to that claim, and relevant case law.

Counsel for Plaintiff requests a brief recess to obtain the dates of when that documentation was produced.

10:38 a.m. Court is in recess.

11:06 a.m. Court is in session.

Plaintiff's counsel reviews the dates of production and amount of damages being sought as to the survivorship claim. Discussion between the court and counsel regarding the appropriate remedy, if any is necessary, if the third claim for relief is allowed.

For the reasons stated on the record, it is

ORDERED: *Plaintiff's Motion to Amend Case Caption to Clarify Plaintiff's Role as*

Including Personal Representative of the Estate of Jonathan Frost [Doc. No. 69, filed 3/7/2014] is **GRANTED**.

The Clerk of Court is directed to **ACCEPT** for filing Plaintiff's Third Amended Complaint, attached as Exhibit 2 to Doc. No. 69, as of today's date.

The court clarifies that in granting Doc. No. 69, it has been advised by counsel on the record that Plaintiff believes and will assert at trial that the total damages being sought as to the survivorship claim is \$290,455.51, reflective of medical bills from various medical providers.

ORDERED: The court will **REQUIRE between now and close of business on Friday** the parties to negotiate a Stipulation that the only damages being sought by the Third Claim for Relief are damages in that amount that are reflective of bills from various medical providers.

The court notes its understanding that all of that related documentation has been produced, save for the three documents as indicated in Defendant's Response, and that production should cure any prejudice the Defendant would suffer from the court's order.

The court informs the parties that only a ruling from the bench will issue, no written order will follow, and therefore the amount of days to file an objection should be calculated from today's date.

The parties clarify that filing of the Stipulation is not necessary, but are directed to address the Stipulation with District Judge Moore at the Trial Preparation Conference.

Discussion between the court and parties regarding the possibility of settlement.

HEARING CONCLUDED.

Court in recess: 11:49 a.m.

Total time in court: 01:22

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