

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-02815-MSK-MJW

NICOLE VAN ATTA,

Plaintiff,

v.

GENERAL MILLS, INC.,

Defendant.

ORDER AMENDING CIVIL SCHEDULING ORDER

It is hereby ORDERED that the Joint Motion to Amend the Scheduling Order (Docket No. 69) is GRANTED. Section 9 of the Civil Scheduling Order (Docket No. 30, as amended by Docket No. 63) is amended as follows:

9. CASE PLAN AND SCHEDULE

- a. Deadline for Joinder of Parties and Amendment of Pleadings:

March 6, 2013

- b. Discovery Cut-off:

April 17, 2015

- c. Dispositive Motion Deadline:

The parties agree to the following briefing schedules for dispositive motions and motions for class certification:

Dispositive Motion Briefing:

Dispositive Motion Deadline: April 3, 2015

Response due: May 1, 2015

Reply due: May 15, 2015

Class Certification Briefing:

Class Certification Motion Deadline: March 5, 2015

Response due: April 2, 2015

Reply due: April 23, 2015

If a party relies on expert testimony in its class certification briefing, then the opposing party may file a *Daubert* or Fed. R. Evid. 702 motion challenging such expert testimony within 30 days after the filing of the brief containing such expert testimony.

The parties agree that any *Daubert* or Rule 702 challenges shall be presented such that they may be resolved prior to resolution of any motion for class certification. Any *Daubert* or Rule 702 motion shall comply with Chief Judge Krieger's Procedures for Rule 702 Motions.

d. Expert Witness Disclosure:

1. The parties shall identify anticipated fields of expert testimony, if any.

Plaintiff anticipates expert testimony in the following fields:

Defendant anticipates potential expert testimony in the following fields:
marketing (including but not limited to consumer behavior issues, customer purchase behavior, branding); food labeling; food pricing; food science; science, safety, and benefits of genetically-modified organisms; and economic issues (including but not limited to damages computation and analysis).

2. Limitations which the parties propose on the use or number of expert witnesses.

5 experts per side without leave of court.

3. Plaintiff shall designate all experts and provide opposing counsel and any pro se parties with the following information on or before November 21, 2014: identity of the witness, the subject matter on which the witness is expected to present evidence, and a summary of the facts and opinions to which the witness is expected to testify. Any written report required by Rule 26(a)(2)(B) shall be due on or before January 16, 2015.
4. Defendant shall designate all experts and provide opposing counsel and any pro se parties with the following information on or before December 19, 2014: identity of the witness, the subject matter on which the witness is expected to present evidence, and a summary of the facts and opinions to which the witness is expected to testify. Any written report required by Rule 26(a)(2)(B) shall be due on or before February 13, 2015.

Notwithstanding the provisions of Fed. R. Civ. P. 26(a)(2)(B), no exception to the requirements of the Rule will be allowed by stipulation unless the stipulation is in writing and approved by the court. In addition to the requirements set forth in Rule 26(a)(2)(B)(i)-(vi), the expert's written report also must identify the principles and methods on which the expert relied in support of his/her opinions and describe how the expert applied those principles and methods reliably to the facts of the case relevant to the opinions set forth in the written report.

e. Identification of Persons to Be Deposed:

Name of Deponent	Date of Deposition	Time of Deposition	Expected Length of Deposition
Nicole Van Atta	TBD	9:00 am MTN time	1 day
Any party added by Plaintiff	TBD	9:00 am MTN time	1 day
Any expert(s) disclosed by Plaintiff	TBD	9:00 am local time	1 day

General Mills reserves its right to take additional depositions.

f. Deadline for Interrogatories:

January 26, 2015

g. Deadline for Requests for Production of Documents and/or Admissions:

January 26, 2015

The remainder of the Civil Scheduling Order (Docket No. 30) entered on February 13, 2013, shall remain in effect.

Date: June 30, 2014
Denver, Colorado

s/ Michael J. Watanabe
Michael J. Watanabe
United States Magistrate Judge