

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02834-WYD-MJW

NATIONAL JEWISH HEALTH, a Colorado non-profit corporation,

Plaintiff(s),

v.

WEBMD HEALTH SERVICES GROUP, INC., and
WEBMD HEALTH CORP.,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Defendants' Rule 37 Motion to Strike Plaintiff's Untimely Rule 26(a)(1) Disclosures or in the Alternative for Plaintiff to Pay Defendants' Fees and Costs Caused by the Untimely Disclosures and Request for Oral Argument (docket no. 83) is **DENIED**.

This court finds no basis in law or fact to grant the relief sought in the subject motion (docket no. 83). There is no real prejudice to Defendant, noting that the Final Pretrial Conference is not set until March 25, 2014, at 9:00 a.m., and Judge Daniel has not set a trial date. Furthermore, this court is going to allow a Third Party Deposition of Linda Butler from Lockton Companies, LLC, and this court has further extended the discovery cut-off date to November 29, 2013, for the limited purpose of taking the deposition of Linda Butler. See ORDER dated November 6, 2013 (docket no. 86) on Plaintiff National Jewish Health's Opposed Rule 16 Motion to Allow a Third Party Deposition of Lockton Companies, LLC (docket no. 74). Furthermore, this court is not required to wait for any response to be filed by Plaintiff concerning the subject motion (docket no. 83) noting that D.C.COLO.LCivR 7.1 C. states, *in pertinent part*: ". . . **Nothing in this rule precludes a judicial officer from ruling on a motion at any time after it is filed.**" Here, this court has handled all of the discovery disputes from the inception of this case to the present and is well familiar with the tortured history as it pertains to discovery disputes in this case. In addition, this court is also familiar with the procedural history of this case and relevant legal issues raised in this lawsuit. Lastly, this court is following the spirit and mandate expressed in Fed. R. Civ. P. 1. Rule 1 states, *in pertinent part*: ". . . They [meaning the Federal Rules of Civil Procedure] should be construed and administered to secure the just, speedy and inexpensive

determination of every action and proceeding.”

Date: November 6, 2013
