

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

Civil Action No. 12-cv-02858-RM-MJW

GLENN PICCO,
FRANCINE PICCO,

Plaintiffs,

vs.

KELLY R. GLENN, D.O.,
VALLEY VIEW HOSPITAL ASSOCIATION,
BRUCE C. LIPPMAN, II, M.D., and
GLENWOOD MEDICAL ASSOCIATES,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION TO TEMPORARILY SUSPEND
DISCOVERY AND AUTHORIZING APPOINTMENT OF AN OUTSIDE MEDIATOR**

(Docket no 80)

THIS MATTER comes before the Court on Defendant Kelly R. Glenn, D.O.'s Unopposed Motion to Temporarily Suspend Discovery and Authorizing Appointment of an Outside Mediator; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

1. Mediation will be conducted by a private mediator, as jointly agreed upon by the parties, with the mediation to take place no later than April 1, 2014. The expense of the mediation will be shared by the parties on a pro rata basis, each party to pay one-fourth of charges associated with the mediation.
2. No additional deposition discovery will take place between February 20 and April 1, 2014. Depositions presently scheduled between February 20, 2014, including

without limitation depositions of Steven von Elten, M.D. in Warrenton, Virginia presently scheduled for February 25, Tudor Jovin, M.D. in Pittsburgh, Pennsylvania scheduled for February 26 and Rohit Agrawal, M.D. in Pittsburgh, Pennsylvania scheduled for February 27, 2014, may be postponed forthwith without waiver of the parties' rights to conduct these depositions no later than June 5, 2014. The parties shall share expert witness cancellation fees, if any, once again on a one quarter pro rata basis.

3. The postponement of depositions to pursue mediation does not constitute a waiver of any party or parties of their right to conduct previously requested and/or presently scheduled deposition discovery following the mediation. This is subject to the Court's order that all depositions shall be completed no later than June 5, 2014.
4. The parties, as an express condition of the Court's order suspending discovery to first allow a private mediation, shall immediately confer to schedule a mediation and depositions, as necessary following mediation, so that all depositions any party wishes to take are promptly scheduled. All such depositions shall be scheduled as soon as possible with a final deposition schedule to be agreed upon and in place no later than April 1, 2014.
5. The amended discovery cut-off date is June 5, 2014.
6. The amended deadline for dispositive motions is July 7, 2014.
7. The Court shall promptly be advised of the agreed upon mediation date. The

Court shall further be informed of the results of the mediation no later than 7 days following the mediation.

Dated this 21ST day of February, 2014.

BY THE COURT:



MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO