

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

Civil Action No: 12-cv-03160-CMA-KMT
Courtroom Deputy: Sabrina Grimm

Date: October 24, 2013
FTR: Courtroom C-201

Parties:

Counsel:

IRONSTONE CONDOMINIUMS AT STROH RANCH
OWNERS ASSOCIATION, INC. a/k/a IRONSTONE
CONDOMINIUM ASSOCIATION AT STROH
RANCH, a non-profit Colorado corporation,

Stuart Anderson

Plaintiff,

v.

PEERLESS INDEMNITY INSURANCE COMPANY,
an Illinois Corporation,

Troy Olsen
Hilary Wells
Lyndsay Arundel

Defendant.

COURTROOM MINUTES

MOTIONS HEARING

1:35 p.m. Court in session.

Court calls case. Appearances of counsel.

Court states its understanding of the issues with respect to Plaintiff's Motion to Compel [34].

Discussion regarding underwriting files for renewal and non-renewal of the policy, and condition of property pre-loss.

1:38 p.m. Argument by Mr. Anderson.
1:53 p.m. Argument by Ms. Wells.
2:04 p.m. Rebuttal argument by Mr. Anderson.

ORDERED: Plaintiff's Motion to Compel Pursuant to F.R.C.P. 37 [34] is HELD IN ABEYANCE. Defendant is directed to produce the underwriting files, by electronic media, on or before November 1, 2013 for in camera review.

Discussion regarding deposition cancellations of Dan Hastings and Public Adjusters of Colorado (PAC), and untimely disclosures.

2:15 p.m. Argument by Mr. Anderson.
2:23 p.m. Argument by Mr. Olsen.
2:48 p.m. Rebuttal argument by Mr. Anderson.
3:01 p.m. Further argument by Mr. Olsen.

ORDERED: Plaintiff's Motion for Sanctions Pursuant to F.R.C.P. 30(g) and for Protective Orders and Sanctions Pursuant to Rule 26(c) Re: Discovery Deposition Abuse by the Defendant [39] is DENIED. The Court finds there was no impropriety by either party and costs will not be awarded.

Discussion regarding retained and non-retained experts, expert reports, and discovery deadlines.

ORDERED: Plaintiff's Motion to Modify or Clarify Scheduling Order Re: Limitation on Number of Retained Experts [48] is GRANTED IN PART. Each side shall be allowed 2 additional experts beyond the original 11 so that Plaintiff may designate two experts formerly retained by Defendant, for a total of 13 experts, as stated on record. Whether the experts are retained or not retained, all experts who will be expected to testify to opinion must be included in the thirteen.

The parties stipulate to the extension of discovery deadlines.

ORDERED: In light of the parties' stipulation, the discovery deadlines are extended as follows:
Plaintiff's additional expert disclosures, as stated on record: November 7, 2013
Defendant's expert disclosures: December 20, 2013
Rebuttal expert disclosures: January, 24, 2014
Discovery cut off: February 24, 2013
Dispositive motions: March 24, 2013

ORDERED: The Final Pretrial Conference is VACATED and RESET as a Telephonic Final Pretrial Conference for May 13, 2014 at 9:45 a.m. The parties shall initiate a conference call and contact chambers at 303-335-2780 at the time of the Final Pretrial Conference. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven (7) days before the final pretrial conference.

ORDERED: Plaintiff's Motion to Modify Scheduling Order Re: Extension of Expert Disclosure Deadline to Permit Supplement to Report of Blane Clark [56] is DENIED AS MOOT, in light of the parties' stipulation.

ORDERED: Defendant's Motion to Modify Scheduling Order Re: An Enlargement of Time to Endorse its Experts [59] is DENIED AS MOOT, in light of the parties' stipulation.

Discussion regarding underwriting files and in camera review.

3:56 p.m. Court in recess.

Hearing concluded.

Total in-court time 02:21

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.