

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

Civil Action No: 13-cv-00079-PAB-KMT
Courtroom Deputy: Sabrina Grimm

Date: March 12, 2014
FTR: Courtroom C-201

Parties:

NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH, PA,

Plaintiff,

v.

INTRAWEST ULC f/k/a INTRAWEST
CORPORATION,
FEDERAL INSURANCE COMPANY,

NATIONAL FIRE INSURANCE COMPANY OF
HARTFORD, and
CONTINENTAL CASUALTY COMPANY,

Defendants.

Counsel:

Joseph Lang
Douglas Stevens

Christopher Mosley
Katherine Varholak
Brett Marshall Godfrey
Casey Kannenberg
Michael O'Bresly

COURTROOM MINUTES

MOTIONS HEARING

1:29 p.m. Court in session.

Court calls case. Appearances of counsel.

Also present, David Satnick and Elizabeth Banzhoff for Third Party Defendant Willis New York.

Court states its understanding of the issues.

Discussion and argument regarding additional and stay of discovery, indemnity agreement, paid loss addendum, exhaustion issue, reformation claim, aggregate policy limits, contract ambiguity, and Plaintiff's Motion for Summary Judgment [84].

ORDERED: Intrawest, ULC's Motion for Continuance of National Union's Motion for Summary Judgment Pending Discovery [112] is GRANTED.

ORDERED: National Union Fire Insurance Company of Pittsburgh, PA's Motion to Stay Discovery Pending Determination of its Motion for Summary Judgment [146] is DENIED, for reasons stated on record.

ORDERED: National Union Fire Insurance Company of Pittsburgh, PA's Motion to Stay Discovery and Litigation of the Third-Party Claims Pending Determination of National Union's Motion for Summary Judgment [201] is DENIED, for reasons stated on record.

Discussion regarding extension of discovery deadlines and potential discovery disputes.
Court states its practice regarding discovery disputes.

ORDERED: Deadlines are extended as follows:
Fact Discovery cut-off: December 31, 2014
Expert Discovery cut-off: April 30, 2015
Dispositive Motions deadline: April 30, 2015
Disclosure of Affirmative Experts: February 13, 2015
Disclosure of Rebuttal Experts: March 13, 2015
Written discovery is due 33 days prior to December 31, 2014.

3:42 p.m. Court in recess.
3:58 p.m. Court in session.

Discussion and argument regarding payment of claims, reserves, claims manuals, document retention procedures, processes, and intent.

ORDERED: Motion to Compel National Union's Responses to Intrawest, ULC's First Discovery Requests [124] is GRANTED IN PART. Plaintiff is directed to produce responsive documents and supplement their responses to interrogatories propounded by Intrawest, consistent with the discussion held in Court, on or before April 14, 2014.

ORDERED: National Union Fire Insurance Company of Pittsburgh, PA's Motion for Protective Order and Memorandum of Law in Support [176] is DENIED WITHOUT PREJUDICE, as stated on record.

Discussion regarding 30(B)(6) witness, overly broad questions, video deposition set up, reinsurance information, reformation claim, and settlement agreement in a prior lawsuit in California.

ORDERED: National Union Fire Insurance Company of Pittsburgh, PA's Motion for Protective Order Regarding 30(B)(6) Notice [181] is GRANTED IN PART AND DENIED IN PART, as stated on record. Plaintiff is directed to provide the settlement agreement from the prior lawsuit in California for in camera review on or before March 19, 2014.

ORDERED: All Willis entities, with the exception of Willis New York, shall file an answer or responsive pleading on or before March 21, 2014.

ORDERED: National Union shall file an answer or responsive pleading to the Intrawest affiliates claims on or before March 21, 2014.

6:09 p.m. Court in recess.

Hearing concluded.

Total in-court time 04:24

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