

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: June 23, 2015
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
Paul Motz
Douglas Stevens

Katherine Varholak

Aaron Hayden

COURTROOM MINUTES

MOTIONS HEARING

1:35 p.m. Court in session.

Court calls case. Appearances of counsel.

Discussion and argument regarding the status of Karen Bradley and Barron Weinstein, attorney/client privileged information, potential sanctions, common interest doctrine, and at issue waiver.

2:00 p.m. Record sealed. Parties are permitted to order this portion of the transcript without a further court order, however, it must be maintained under Restriction Level 1.

3:07 p.m. Court in recess.

3:23 p.m. Court in session.

The record continues to be sealed.

3:39 p.m. Record unsealed. Court will attempt to not make any references to Exhibit I in Document 335, Exhibit B in Document 347, and Exhibit C in Document 347.

Court states its findings and rulings.

ORDERED: National Union Fire Insurance Company of Pittsburgh, PA's Motion to Compel Depositions of Intrawest Witnesses Karen Bradley and Barron Weinstein [335] is **DENIED**.

ORDERED: Intrawest ULC, F/K/A Intrawest Corporation's Motion for Protective Order Regarding Depositions of Intrawest's Counsel [367] is **GRANTED**.

ORDERED: Intrawest ULC's Motion for Protective Order Pursuant to Fed. R. Civ. P. 26(b)(5)(B) [347] is **GRANTED**.

ORDERED: Intrawest ULC's Motion to Restrict Access to Various Exhibits Attached to Intrawest's Motion for a Protective Order and National Union's Motion to Compel [350] is **GRANTED**. Exhibit B to Document 347 shall be held under Restriction Level 2. Exhibit C to Document 347 shall be held under Restriction Level 1. Exhibit I to Document 335 shall be held under Restriction Level 3.

ORDERED: National Union's Motion to Compel Intrawest to Produce Karen Bradley's Communications and Memorandum of Law in Support [363] is **DENIED**. Intrawest is, however, **ORDERED** to search for and produce communications authored by or copied to Karen Bradley that are not privileged.

ORDERED: Intrawest ULC's Motion to Restrict Access to a Privileged Document [398] is **GRANTED**.

ORDERED: Motion to Compel Deposition of National Union's Witness, Christopher Weir, In His Individual Capacity [353] is **GRANTED**.

ORDERED: National Union Fire Insurance Company of Pittsburgh, PA's Motion for Protective Order Regarding Second Deposition of Christopher Weir [354] is **DENIED**.

Discussion regarding identity of Intrawest's 30(b)(6) representatives.

ORDERED: Intrawest shall provide the identity of their Rule 30(b)(6) deponents to National Union on or before July 6, 2015.

Discussion regarding National Union deposition dates.

ORDERED: National Union shall provide deposition dates to Intrawest on or before July 6, 2015.

4:31 p.m. Court in recess.

Hearing concluded.

Total in-court time 02:40

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