

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-00876-WJM-BNB

XY, LLC,

Plaintiff/Counterclaim Defendant,

v.

TRANS OVA GENETICS, L.C.,

Defendant/Counterclaim Plaintiff,

v.

INGURAN, LLC,

Counterclaim Defendant.

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**ORDER**

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This matter arises on the following:

- (1) **Motion to Deem XY, LLC and Inguran, LLC's Requests for Admission Nos. 5-11, 14, and 15 Admitted** [Doc. # 223, filed 7/23/2014] (the "Motion to Deem Admitted");
- (2) **Trans Ova Genetics, L.C.'s Motion for Leave to Serve Additional Request for Production** [Doc. # 225, filed 7/24/2014] (the "Motion to Serve Additional Discovery"); and
- (3) **Trans Ova's Motion to File Reply** [Doc. # 244, filed 8/22/2014] (the "Motion to Reply").

I held a hearing on the motions this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion to Deem Admitted [Doc. # 223] is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED with respect to Request for Admission Nos. 14 and 15, and those requests are deemed admitted; and
- DENIED in all other respects.

(2) The Motion to Serve Additional Discovery [Doc. # 225] is GRANTED. Trans Ova may review the copies of the transcripts of the depositions of Gustavo Toro, Thom Gilligan, Maurice Rosenstein, Sheau Min See, Evan Gedminas, and Juan Moreno taken in the case XY, LLC v. Matthias J.G. Ottenberg, Case No. 11-cv-02920-RBJ (D. Colo.), which are in the possession, custody, and control of its attorneys as if those transcripts were produced to it by XY and Inguran. The review shall be conducted subject to the Protective Order [Doc. # 82] previously entered in this case, and the transcripts shall be treated initially as having been designated as Attorneys' Eyes Only. On or before October 6, 2014, Trans Ova shall provide to counsel for XY and Inguran a designation of the deposition testimony it may use at trial to show inconsistent testimony or for impeachment. Within a reasonable time thereafter, the parties shall confer about any further protections, including redaction, which may be necessary, or about reducing the level of protection afforded to the transcripts. Trans Ova's access to the deposition transcripts is for identifying inconsistent testimony or impeachment only, and shall not be used for any other purpose including, particularly, supplementing expert opinions.

(3) The Motion to Reply [Doc. # 244] is GRANTED, and the Clerk of the Court is directed to accept for filing Trans Ova's Reply [Doc. # 244-1].

Dated September 5, 2014.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge