IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 13-cv-01492-REB-CBS   Date: September 15, 2014
Courtroom Deputy: Amanda Montoya   FTR – Reporter Deck-Courtroom A402

Parties: *Counsel:*

KELLY J. STAFFORD,   Deirdre Ostrowski
                                                     Michael Keating
                                                     Melissa Sullivan

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,   Julie Warren
                                                     Dustin Berger

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTIONS HEARING
Court in session: 02:25 p.m.
Court calls case. Appearances of counsel.

This hearing comes before the Court in regards to Plaintiff's Motion to Strike Defendant's Third Supplemental Fed.R.Civ.P. 26(a)(2) Disclosure Regarding William Hartwick [20] and Motion of Marriott Hotel Services, Inc., to Conduct *Ex Parte* Interviews with Treating Healthcare Providers [22]. Defendant's Motion for Leave to Conduct Trial Preservation Depositions, or in the alternative, Motion to Allow Trial Testimony by Telephone [55] was recently filed.

Counsel conducted discovery after the discovery cut-off date set by the Court.

ORDERED: Plaintiff's Motion to Strike Defendant's Third Supplemental Fed.R.Civ.P. 26(a)(2) Disclosure Regarding William Hartwick [20] is **GRANTED** as stated on the record. The Court makes this ruling from the bench and the time to file an objection starts today.

Discussion regarding witness list. Ms. Ostrowski states that Mark Hamilton, Kristine Couch, Hugh McPherson, Michael Shen, and Joel Shebowich can be stricken from the May Call Expert Witness list in the Final Pretrial Order.

ORDERED: The Plaintiff is REQUIRED to provide to defense counsel, a written summary of the anticipated testimony of Kevin Gabrych and Robert Greenhow by 5:00 p.m. (Mountain Time) on September 18, 2014. The summaries must identify the specific opinions that these witnesses may offer and the specific basis for the opinions they may offer. It is also REQUIRED that for each of these individuals, a CD or a recitation of their experience be produced. Further REQUIRED, a list of materials that they considered or relied upon when formulating their opinions must be signed by them and produced.

Defense counsel will have until 5:00 p.m. (Mountain Time) on September 18, 2014 to provide the Court with any reactions to the supplemental information provided.

Magistrate Judge Shaffer will issue an Order that Kevin Gabrych and Robert Greenhow be interviewed informally. The interviews will be limited to their opinions expressed in the supplemental report and the factual basis of the opinions. The Order will clearly state that these two witnesses are not required to disclose any information of a medical nature that they obtained from Ms. Stafford and that this not relate to their opinions or does not provide a basis for their opinions. It will also be made clear in the Order that while defense counsel may approach these two individuals, they are NOT REQUIRED to submit to an interview. Participation on their behalf will be solely voluntary.

The Court asks for a copy of the Plaintiff's disclosures. Counsel is provided with the e-mail address of the Courtroom Deputy to send the disclosures. The Plaintiff's Initial Disclosures and Expert Disclosures were e-mailed and a copy tendered to the Court. The Court reviews the Initial Disclosures and Expert Disclosures.

ORDERED: If the Defendant does not withdraw Defendant's Motion for Leave to Conduct Trial Preservation Depositions, or in the alternative, Motion to Allow Trial Testimony by Telephone [55] by 5:00 p.m. (Mountain Time) on September 16, 2014, the Plaintiff's response to the Motion will be due on or before September 22, 2014.

If counsel believes that Settlement is an option, they are free to file a Motion requesting a Settlement Conference.

HEARING CONCLUDED.
Court in recess: 04:41 p.m.
Total time in court: 02:16

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