

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01827-LTB-MJW

CHANTAE TURAN,

Plaintiff,

v.

ROBERT EDGAR and
DOUG ANDRUS DISTRIBUTING, LLC, a foreign limited liability company authorized to
do business in the State of Idaho,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion to Strike Defendants' Nonparty Designations of Serafin Auto Sales, Unknown Company and Individual(s) Who did Retread on Andrus Tractor, Unknown Company and Individual(s) Who Manufactured Retread on Andrus Tractor, and Unknown Individual(s) Who were Driving on Interstate 25 (docket no. 20) is DENIED.

It is FURTHER ORDERED that defendants shall have up to and including March 17, 2014 to supplement their non-party designations.

In the subject motion (docket no. 20), plaintiff moves to strike the designation of nonparties arguing that defendants' designation of non-parties is not in compliance with §13-21-111.5(3)(b), C.R.S., and further argues that such designation must contain proof of liability by the non-parties. Here, I find that the purpose of a non-party designation is to provide plaintiff notice of defendants' intent to place liability on a third-party. "At the very least, the designation must set forth facts sufficient to permit a plaintiff to identify the transaction or occurrence which purportedly leads to the non-party's fault." Bunting v. Preferred Homecare, 2013 U.S. Dist. LEXIS 33949 (D. Colo. Mar. 12, 2013) (quoting Resolution Trust Corp. v. Deloitte & Touche, 818 F. Supp. 1406, 1409 (D. Colo. 1993)). I further find that defendants' designation of Serafin Auto Sales provides full notice of the occurrence giving rise to non-party liability and complies with the requirements of §13-21-111.5(3)(b), C.R.S. Moreover, I find that defendants' designations of the Unknown Installer and the Unknown Manufacturer of the retread are proper based on the information currently available to the parties noting that the discovery cut-off date is July 13, 2014, and the parties have just begun the discovery portion of this case.

Lastly, I find that defendants should be given additional time to supplement their non-party designations noting that we are at the early stages of discovery in this case.

Date: December 16, 2013
