

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

U.S. MAGISTRATE JUDGE GORDON P. GALLAGHER

Civil Action No. 1:13-CV-01899-PAB-GPG

ERIC A. HEINRICH,

Plaintiff,

v.

MASTER CRAFT *et al.*

Defendants.

**ORDER REGARDING DEFENDANT MASTER CRAFT ENGINEERING'S MOTION
TO STRIKE PLAINTIFF'S EXPERT DESIGNATION OF BASTIAN CORNELISSEN
(document #80)**

Oral argument was held on this matter today, October 1, 2014 and the Court ruled as follows:

1. Defendant's motion to strike is GRANTED in part and DENIED in part. The Court does not find the motion lacking in substantial justification and costs and fees for litigating the motion are thus not awarded to the Plaintiff;
2. Dr. Bastion Cornelissen will be allowed to testify for the Plaintiff as a retained expert in the Plaintiff's case in chief and is no longer a rebuttal expert;

3. Dr. Cornellisen will be precluded from testifying regarding his 7th concluding opinion regarding the lethal kinetic energy of the balance weight and other factors within that 7th bullet point;
4. Plaintiff must withdraw one of its previously retained experts and chooses to withdraw Mr. Young;
5. Plaintiff will pay Defendant Mastercraft's costs for the cancelled deposition of Mr. Young;
6. Plaintiff will pay Defendant Mastercraft's costs for the upcoming deposition of Dr. Cornelisson;
7. The dispositive motion's deadline is now 12/1/2014;
8. The deposition of Dr. Cornelisson must occur no later than 10/31/2014;
9. Dr. Cornelisson's file is to be provided to opposing counsel no later than 10/10/2014;
10. Dr. Grantham's deposition scheduled for 10/6/2014 is vacated and must be rescheduled no later than 10/31/2014;
11. Defendant Mastercraft has 10 days to determine whether to retain a new expert to rebut Dr. Cornelisson;
12. Defendant Mastercraft has 20 days to issue a new rebuttal report regarding Dr. Cornelisson and/or 20 days to list any new rebuttal expert. If a new expert is to be retained, Defendant Mastercraft is to immediately so inform all counsel. A joint report is to then be filed by 10/31/2014 recommending to the Court any deadline changes that may be effected by the new expert.

Dated this 1st day of October, 2014.

A handwritten signature in black ink, appearing to read "Gordon P. Gallagher".

Gordon P. Gallagher

United States Magistrate Judge