

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

Civil Action: 13-cv-02201-CBS

Date: July 20, 2015

Courtroom Deputy: Amanda Montoya

FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

HACH COMPANY,

Ephraim Starr (by phone)

Matthew Morr

Rachel Mentz

Andrew Petrie

Plaintiff,

v.

IN-SITU, INC.,

Brett Godfrey (by phone)

Rachel Bove

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 02:34 p.m.

Court calls case. Appearances of counsel.

Discussion regarding all pending motions.

ORDERED: *In-Situ', Inc.'s MOTION [170] to Limit the Testimony and Opinions of Dr. Russell Martin Young Pursuant to Fed.R.Evid. 702 and 403 is **DENIED without prejudice.** Counsel has the right to renew this motion with specific concerns at trial.*

*In-Situ, Inc.'s MOTION [171] to Strike the Testimony and Opinions of David Rick, Pursuant to Fed.R.Evid. 702 and 403 is **DENIED without prejudice.** Counsel has the right to renew this motion with specific concerns at trial.*

*MOTION [174] in Limine to Bar In-Situ from Asserting Facts, Arguing Inferences and Using Documents at Trial That It Failed to Disclose During Discovery is **GRANTED.***

MOTION [175] in Limine to Bar Opinion Testimony for Which In-Situ Has Not Properly Disclosed Either the Factual Bases or the Opinions is **GRANTED in part and DENIED in part**. In-Situ is REQUIRED to provide to Hach by **July 23, 2015 at 5:00 p.m.**, a complete statement of all opinions their non-retained experts will express, the basis of those opinions, and the facts and/or data considered by the non-retained expert in forming those opinions.

In-Situ, Inc.'s MOTION [172] to Strike the Testimony and Opinions of William C. Carey, C.P.A., Pursuant to Fed.R.Evid. 702 is **GRANTED in part and DENIED in part**. Mr. Carey may not testify about disgorgement.

MOTION [173] in Limine to Bar In-Situ from Raising at Trial Any Allegation of Claimed Damages Other Than Its Attorneys' Fees and Costs Incurred is **DENIED without prejudice**.

Hach's Rule 37(a) MOTION [180] to Compel In-Situ's Compliance With Order and to Produce Documents is **GRANTED**. In-Situ is REQUIRED to produce all relevant requested documents of the caps and Aqua Troll 400 to Hach by **July 23, 2015 at 5:00 p.m.**

Discussion regarding fees and costs.

ORDERED: Mr. Godfrey needs to determine if he is bringing the counter claims under the patent statute or common law theory. If he is bringing them in under common law theory, he must cite the common law cases that would support his assessment that the jury decides those questions. Mr. Godfrey must file something with the court by **July 21, 2015 at 12:00 p.m.** in regards to the counter claims.

HEARING CONCLUDED.

Court in recess: 05:35 p.m.

Total time in court: 03:01

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