

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

Civil Action: 13-cv-02411-REB-CBS
Date: October 23, 2013

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

KIRBY MARTENSEN,

Plaintiff,

Counsel:

John H. Scott
William A. Cohan

v.

WILLIAM KOCH,

Defendant.

John C. Hueston
Moez M. Kaba
Timothy R. Beyer

COURTROOM MINUTES/MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 9:59 a.m.

Court calls case.

The court addresses the parties regarding their Rule 26(a) disclosures, computation of damages in the case, electronically stored information referenced in the proposed scheduling order, and discovery limitations.

Discussion between the court and counsel regarding the parties' issues with respect to a protective order.

ORDERED: Counsel shall submit to the court for approval a non-contentious proposed protective order **within seven (7) days of today's date.**

The court reviews with the parties discovery deadlines to accommodate District Judge Blackburn's trial dates. Discussion held regarding the deadline for Joinder of Parties/Amendment of Pleadings.

Discussion between the court and counsel regarding Plaintiff's discovery concerns with respect to an inspection of property issue and Plaintiff's acquiring from Defendant names of those involved.

Discussion held regarding Plaintiff's Motion to Amend, any additional discovery the amended complaint will entail, and Defendant's opposition.

ORDERED: Plaintiff's Notice of Motion and Motion to Amend and File Second Amended Complaint [Doc. No. 7, filed 9/5/2013] is **GRANTED**. The Second Amended Complaint is accepted for filing as of today's date.

The court notes the Defendant is free to file a responsive pleading and makes clear that the ruling does not speak to or address the merits of either party's claims.

Further discussion regarding Plaintiff's discovery issues with respect to obtaining a complete response to an Interrogatory Request and three emails identified on a privilege log. The court cites relevant case law.

Clarification of the court's discovery dispute procedure.

Defense counsel addresses the parties' joint Motion for Leave to Restrict [Doc. No. 26].

ORDERED: Joint Motion by Plaintiff Kirby Martensen and Defendant William I. Koch to Restrict [Doc. No. 26, filed 10/21/2013] is **GRANTED**. The Clerk's Office is directed to place Exhibit K to Declaration of John Houston Scott [Doc. No. 24-12] under level one restriction.

The court addresses the parties regarding working cooperatively.

THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE:

Deadline for Amendment of pleadings/Joinder of parties: **December 6, 2013**

Discovery Cut-off: **June 30, 2014**

Dispositive Motions deadline: **July 30, 2014**

Plaintiff does not anticipate the use of expert witnesses.

Parties shall designate affirmative experts **on or before April 30, 2014**.

Parties shall designate rebuttal experts **on or before May 30, 2014**.

Each side shall be restricted to the numerical limitations imposed in Rules 30 and 33 of the Federal Rules of Civil Procedure with respect to depositions and interrogatories, absent leave of court.

Each side shall be limited to twenty-five (25) Requests for Production and twenty-five (25) Requests for Admissions. Upon a showing of good cause, the court may grant leave to serve additional requests.

Interrogatories, Requests for Production of Documents, and Requests for Admissions shall be served **no later than May 27, 2014**.

Counsel may not file any OPPOSED discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference

call adding Magistrate Judge Shaffer as the last connection. The Court will hear arguments and attempt to mediate a resolution. The Court will instruct counsel at that time as to whether or not to file a discovery motion.

FINAL PRETRIAL CONFERENCE and TRIAL PREPARATION CONFERENCE is set for **October 17, 2014 at 2:30 p.m.** before Judge Robert E. Blackburn, separate order to issue.

Final Pretrial Order is due **no later than SEVEN (7) CALENDAR DAYS before the Final Pretrial Conference.** (See the court's website for Instructions for Preparation and Submission)

TRIAL:

The parties anticipate a (10) day jury trial. The trial is set to began on **November 3, 2014 at 8:30 a.m.** before Judge Robert E. Blackburn, separate order to issue.

- Scheduling Order is signed and entered.

HEARING CONCLUDED.

Court in recess: 12:02 p.m.

Total time in court: 02:03

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