

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No: 13-cv-02430-RM-KMT
Courtroom Deputy: Sabrina Grimm

Date: September 28, 2015
FTR: Courtroom C-201

Parties:

LEPRINO FOODS COMPANY,

Plaintiff,

v.

DCI, INC.,

Defendant.

Counsel:

William Brittan
Margaret Pflueger

Gregory Tamkin
Scott Sinor

COURTROOM MINUTES

MOTION HEARING

1:30 p.m. Court in session.

Court calls case. Appearances of counsel.

Discussion and argument regarding interpretation of the Court's Order [53], work product and consulting expert privilege with respect to Dr. Hira, confidentiality agreement, consulting expert being designated as a testifying expert, judicial estoppel, and supplementation of the expert report.

Mr. Brittan tenders a document to the Court.

Court states its findings.

Mr. Tamkin states Dr. Hira may need to be replaced as an expert due to health reasons.

ORDERED: Plaintiff's Motion to Strike Regarding Defendant's Experts Dr. Hira Ahluwalia and Lyle Clem [113] is GRANTED IN PART AND DENIED IN PART. The motion is granted with respect to Dr. Hira, or another expert as chosen by Defendant. The motion is denied in all other respects.

Discussion regarding superseding reports.

ORDERED: Plaintiff is permitted to file an expert report by Dr. Latanision with any new material limited to the water analysis allowed as evidence, on or before October 28, 2015. Defendant's rebuttal report to the entirety of Dr. Latanision's report by Dr. Hira, or another expert as chosen by Defendant, is due on or before December 4, 2015. Plaintiff's rebuttal reports are due on or before January 11, 2016, as discussed.

Discussion regarding extending discovery deadlines.

ORDERED: The following deadlines are extended:

- Fact Discovery cut off – December 4, 2015
- Expert Discovery cut off – February 12, 2016
- Dispositive Motions – March 14, 2016

ORDERED: The Telephonic Final Pretrial Conference is VACATED and RESET to May 17, 2016 at 9:30 a.m. The parties shall initiate a conference call and contact chambers at 303-335-2780 at the time of the Final Pretrial Conference. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven days before the Final Pretrial Conference.

The parties anticipate a two week trial.

Discussion and argument regarding the Kacuba and Criswell depositions. Court states they are permitted to testify about facts observed or found during the protected period but not as to the joint investigation.

ORDERED: Defendant DCI, Inc.'s Motion to Compel Deposition Testimony and the Production of Documents [114] is GRANTED IN PART AND DENIED IN PART, consistent with the discussions held at today's hearing.

4:11 p.m. Court in recess.

4:20 p.m. Court in session.

Discussion regarding redacted notes from Dr. Latanision's file and limitations on deposition time.

ORDERED: Defendant is permitted two additional hours of deposition time with respect to Dr. Latanision, as discussed.

4:29 p.m. Court in recess.

Hearing concluded.

Total in-court time 02:50

*To obtain a transcript of this proceeding, please contact Stevens-Koenig Reporting at 303-988-8470.