

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

Civil Action No. 14-cv-00638-CMA-NYW

ARKANSAS RIVER POWER AUTHORITY,

Plaintiff,

v.

BABCOCK & WILCOX POWER GENERATION GROUP, INC.,

Defendant.

MINUTE ORDER

Entered By Magistrate Judge Nina Y. Wang

This matter is before the Court on Plaintiff's Motion to Stay Production of Expert Richard Gendreau's December 2013 Draft Report Pending Resolution of ARPA's Forthcoming Fed. R. Civ. P. 72(a) Objection to Magistrate Wang's Order on Pretrial Motions ("Motion to Stay"). [#181, filed January 21, 2016]. The matter was referred to this Magistrate Judge pursuant to the Order Referring Case dated May 13, 2014 [#19] and memorandum dated January 22, 2016 [#182].

On January 15, 2016, this court ruled on certain pending discovery motions and ordered the production of a copy of Mr. Gendreau's December 2013 Draft Report to Defendant no later than January 22, 2016. *See* [#180]. Plaintiff indicates in the Motion to Stay its intention to file an objection to the Order, and seeks a stay pursuant to D.C.COLO.LCivR 30.2 to avoid disclosure of the December 2013 Draft Report pending the determination of the Honorable Christine M. Arguello of the forthcoming objection. *See* [#181]. Plaintiff represented in the Motion to Stay that counsel for Defendant had not yet stated whether they opposed the Motion; however, during a telephone call between counsel for Parties and Chambers, Plaintiff's counsel stated that Defendant opposes the Motion to Stay.

Discovery has closed in this matter and, on December 11, 2015, the court denied the Parties' Motions for Partial Summary Judgment. *See* [#174]. Presiding Judge Arguello is holding a status conference on February 3, 2016 to set a date on which trial in this matter will commence. *See* [#178]. Given Plaintiff's concern with respect to the disclosure of the December 2013 Draft Report, this court concludes that it is appropriate to grant a stay as to the disclosure of the Report until Judge Arguello has an opportunity to rule on the forthcoming objection.

Accordingly, **IT IS ORDERED:**

- (1) Plaintiff's Motion to Stay Production of Expert Richard Gendreau's December 2013 Draft Report Pending Resolution of ARPA's Forthcoming Fed. R. Civ. P. 72(a) Objection to Magistrate Wang's Order on Pretrial Motions [#181] is **GRANTED**;
- (2) The portion of the Order [#180] directing Plaintiff to produce Mr. Gendreau's December 2013 Draft Report no later than January 22, 2016 is **STAYED**; and
- (3) All other portions of the Order **REMAIN IN EFFECT**.

DATED: January 27, 2016