

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 14-cv-00694-WYD-BNB

RICHARD EVERHART,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

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**ORDER**

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This matter arises on the following:

- (1) Plaintiff's **Notice of Withdrawal of Motion to Compel Documents from PT&C** [Doc. # 37, filed 9/2/2014] (the "Motion to Withdraw Motion");
- (2) Plaintiff's **Motion to Compel Production of Documents** from PT&C [Doc. # 23, filed 8/1/2014] (the "Motion to Compel PT&C");
- (3) **Plaintiff's Motion to Compel Discovery** [Doc. # 18, filed 7/30/2014] (the "Motion to Compel Defendant");
- (4) **Plaintiff's Second Motion to Compel Discovery** [Doc. # 19, filed 7/30/2014] (the "Motion to Compel Depositions");
- (5) Plaintiff's **Second Motion to Compel Production of Documents** [Doc. # 31, filed 8/15/2014] (the "Second Motion to Compel"); and
- (6) **Plaintiff's Second Motion to Extend Deadlines** [Doc. # 20, filed 7/30/2014] (the "Motion to Extend").

I held a hearing on the motions this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

- (1) The Motion to Withdraw Motion [Doc. # 37] is GRANTED.
- (2) The Motion to Compel PT&C [Doc. # 23] is DENIED as withdrawn.
- (3) The Motion to Compel Defendant [Doc. # 18] is DENIED.
- (4) The Motion to Compel Depositions [Doc. # 19] is DENIED as moot.
- (5) The Second Motion to Compel [Doc. # 31] is GRANTED IN PART and DENIED

IN PART as follows:

- GRANTED to require production of documents responsive to Requests for Production 1(b) and 1(c);
- GRANTED with respect to Request for Production 2 to require production of documents with the “Confidential” designation in a location other than on the text of the document;
- GRANTED to require production of documents responsive to Request for Production 3(d);
- GRANTED with respect to Request for Production 4 to require the defendant to produce user manuals and instructional materials concerning Xactimate in the defendants possession, custody, and control, whether provided by the vendor, created by the defendant, or otherwise created; and
- DENIED in all other respects.

The defendant shall provide a supplemental discovery response and produce all responsive documents as required by this order on or before October 2, 2014.

(6) The Second Motion to Extend [Doc. # 20] is GRANTED, and the case schedule is modified to the following extent:

Discovery Cut-Off: April 13, 2015

Dispositive Motions Deadline: May 13, 2015

Expert Disclosures:

- (a) The parties shall designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before February 13, 2015
- (b) The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before March 13, 2015

Final Pretrial Conference: The final pretrial conference set for March 18, 2015, is VACATED and RESET to July 14, 2015, at 9:00 a.m. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than July 7, 2015.

Dated September 2, 2014.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge