

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

Civil Action No. 14-cv-00717-KMT

JOHN WALLEN, and
CAROL WALLEN

Plaintiffs,

v.

KELLY PIPE CO., L.L.C.,

Defendant.

ORDER

This matter is before the court on “Stipulated Motion for Extension of Time in Which to File F.R.C.P. 26(a)(2) Expert Disclosures” [Doc. No. 25] filed November 5, 2014. The motion is **GRANTED in part and DENIED in part.**

The parties state that in spite of their exercise of due diligence, Plaintiff John Wallen’s independent medical examination could not be scheduled until January 8 and 9, 2015 with Dr. Stephen Schmitz of the Brain and Behavior Clinic. Dr. Schmitz will be unable to produce a report concerning the results of the IME until January 15, 2015. Plaintiff John Wallen’s deposition has been scheduled for December 12, 2014.

Therefore, the court **ORDERS** as follows:

1. Defendant’s expert disclosure concerning the plaintiff’s independent medical examination now contemplated to be provided by Dr. Stephen Schmitz of the Brain and

Behavior Clinic will be due **January 22, 2015**. Plaintiff's rebuttal expert to Dr. Schmitz, if any, will be due **February 12, 2014**.

2. The discovery deadline will be extended for purposes of taking the deposition of Dr. Schmitz and any rebuttal expert only, if requested, to **March 1, 2015**. As to all other discovery, the deadline remains January 30, 2014.

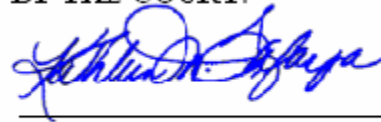
2. The dates for the disclosure of all other expert witnesses will remain as scheduled, except that since the court could not rule on the stipulated motion prior to the expiration of the deadline sought to be extended of November 14, 2014, the court will extend the deadline for all affirmative expert disclosures (except for that of Dr. Stephen Schmitz as discussed in ¶ 1) to **November 24, 2014**. The deadline for designation of all rebuttal experts, (except for the rebuttal expert to Dr. Schmitz) will remain as previously set, December 31, 2014.

3. The deadline for raising issues under Fed. R. Evid. 702 for all experts except Dr. Schmitz and any expert offered in rebuttal to Dr. Schmitz will remain as scheduled, January 30, 2015. The deadline for raising issues under Fed. R. Evid. 702 as to Dr. Schmitz and any expert offered in rebuttal to Dr. Schmitz is extended to **March 1, 2014**.

The setting for the Trial Preparation/Final Pretrial Conference will remain scheduled for March 5, 2015 at 9:30 a.m. and the Trial remains scheduled to commence on April 6, 2015.

Dated this 17th day of November, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge