

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

Civil Action: 14-cv-00735-LTB-CBS

Date: August 27, 2014

Courtroom Deputy: Amanda Montoya

FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

P&S LLC,

Leonard MacPhee

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Paul Rodney

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 01:25 p.m.

Court calls case. Appearances of counsel.

This hearing comes before the court regarding Motion to Strike Defendant's Notice of Nonparty at Fault [15] and Plaintiff's Motion for Leave to Amend Its Complaint and Jury Demand [25].

ORDERED: Motion to Strike Defendant's Notice of Nonparty at Fault [15] is **DENIED** without prejudice. P&S LLC has the right to raise the same issues in the context of a Motion for Summary Judgment, Motion for Limine, or in the context of jury instructions. By making this determination, the motion is better raised, framed, and decided by Judge Babcock. By denying the Motion to Strike, the Court is not precluding the Plaintiff from raising the same challenge, but similarly, not precluding Judge Babcock from a decision on a full record.

Plaintiff's Motion for Leave to Amend Its Complaint and Jury Demand [25] is **GRANTED** to add a prayer for relief seeking exemplary damages. In granting this motion, the Court is expressing no views and not reaching any conclusions about whether the Plaintiff will ultimately be able to sustain its burden of proof. The Court is not precluding the Defendant from challenging the request for punitive

damages in the form a Motion for Summary Judgment or in the context of jury instructions.

HEARING CONCLUDED.

Court in recess: 01:59 p.m.

Total time in court: 00:44

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