

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01534-LTB-MJW

PARKER EXCAVATING, INC., a Colorado corporation,

Plaintiff,

v.

LAFARGE WEST, INC., a Delaware corporation,
MARTIN MARIETTA MATERIALS, INC., a North Carolina corporation,
FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Maryland corporation,
NICK GUERRA,
ALF RANDALL, in his individual capacity and
ROBERT SCHMIDT, in his individual capacity,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

Plaintiff's Motion for Clarification and for Protective Order (docket no. 71) is GRANTED IN PART AND DENIED IN PART. The subject motion (docket no. 71) is GRANTED as to clarification of discovery limitations. As stated clearly in paragraph 8a. DISCOVERY LIMITATIONS in the Scheduling Order (docket no. 38), the parties were limited as follows:

- 13 depositions per side including expertswitout leave of court. [the court informed all counsel at the Scheduling Conference that each side meant Plaintiff gets 13 depositions, and Defendants collectively get 13 depositions]. See record of Rule 16 Scheduling Conference held on October 15, 2014;
- Plaintiff may serve 25 interrogatories on Defendants Randall and Schmidt and 10 interrogatories on each of the other Defendants. Defendants Randall and Schmidt may serve 25 interrogatories on all other parties;
- The remaining Defendants may serve 25 interrogatories on Defendants Randall and Schmidt and 10 interrogatories on the remaining Co-Defendants and Plaintiff.

To clarify paragraph 8 a. in the Scheduling Order (docket no. 38), EACH Defendant, other than Defendants Randall and Schmidt, may serve 10 interrogatories on Plaintiff. The total for these three Defendants other than Randall and Schmidt would total 30

interrogatories that Plaintiff must answer.

The portion of the subject motion (docket no. 71) seeking a protective order is DENIED.

Date: February 25, 2015
