

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01563-WYD-MJW

HAP POOL and  
DARCI POOL,

Plaintiffs,

v.

MATCO MFG, a foreign corporation,

Defendant.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that:

- Plaintiff's Motion to Quash Subpoena - ESI (**Docket No. 25**) is **DENIED**. An expert witness's work file is properly discoverable under Rule 26 to the extent not protected under Rule 26(b)(4)(B) & (C), and Rule 26(b)(4)(E) does not impose the cost of production on the requesting party. If Mr. Klepacki is deposed as an expert witness, the time spend preparing for, testifying at, and reviewing the transcript of, that deposition will be chargeable to Defendant under Rule 26(b)(4)(E). Further, to the extent ESI has information not related to Mr. Klepacki's expert testimony, ESI is a fact witness; Defendant need not cover its costs of production for such material unless it shows undue burden under Rule 45(d), which it has not done.
- Plaintiff's Motion to Quash Subpoena - Ted Waltman (**Docket No. 28**) is **DENIED** for the same reasons.
- Defendant's Expedited Motion to Modify Scheduling Order (**Docket No. 30**) is **GRANTED**. The Scheduling Order (**Docket No. 24**) is **AMENDED** such that rebuttal experts must be disclosed on or before May 22, 2015, and the discovery cut-off is extended to June 22, 2015. The deadline to serve written discovery is May 20, 2015.

Date: April 20, 2015

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