

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-01909-WYD-NYW

RAY TRIPP WATTS,

Plaintiff,

v.

SMOKE GUARD, INC.,  
POWER PRODUCTS CO.,  
THE RESIDENCES AT LITTLE NELL DEVELOPMENT, LLC,

Defendants.

---

**MINUTE ORDER ON PENDING MOTIONS**

---

Entered by Magistrate Judge Nina Y. Wang

The court held a Motions Hearing this morning on the following pending motions:

- (1) Plaintiff's Motion to Appoint Guardian ad Litem [#33];
- (2) Plaintiff's Motion for Leave to File Second Amended Complaint [#37];
- (3) Plaintiff's Motion for Leave to File Replies to Defendant Smoke Guard, Inc. and Powers Products Co. Responses to Plaintiff's Motion for Leave to File Second Amended Complaint [#49];
- (4) Unopposed Motion for Extension of Time to Extend Subpoena Deadline filed by Defendant Power Products, Co. [#53]; and
- (5) Unopposed Motion to Amend Scheduling Order filed by Defendant Smoke Guard, Inc. [#58].

For the reasons stated on the record, IT IS ORDERED:

- (1) Plaintiff's Motion to Appoint Guardian ad Litem [#33] is DENIED, with leave to refile a Stipulation with respect to the appointment of the Guardian ad Litem that reflects the Parties' agreements on the matter no later than **May 7, 2015**;

- (2) Plaintiff's Motion for Leave to File Second Amended Complaint [#37] is GRANTED IN PART, and DENIED IN PART, with leave to tender a Second Amended Complaint on or before **May 7, 2015**, that is consistent with Plaintiff's withdrawal of his demand for exemplary damages and the claim asserted against SimplexGrinnell, L.P., the Stipulation regarding the Guardian ad Litem issue, and that has been approved by Defendants pursuant to the discussion on the record. Plaintiff's counsel is directed to meet and confer with counsel for SimplexGrinnell who had previously entered their appearance in an attempt to resolve any issues;
- (3) Plaintiff's Motion for Leave to File Replies [#49] is GRANTED IN PART, and DENIED IN PART, insofar as the Replies are accepted but a proposed Second Amended Complaint will be tendered as set forth above;
- (4) Unopposed Motion for Extension of Time to Extend Subpoena Deadline [#53] will be DENIED as MOOT; and
- (5) Unopposed Motion to Amend Scheduling Order [#58] is DENIED, with leave to refile once Simplex Grinnell has been served and has entered an appearance in the case so that all Parties may participate in a further discovery conference.

DATED: April 23, 2015