

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 15-cv-00534-MSK-MJW

FTR - Courtroom A-502

Date: December 14, 2015

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

JOHN W. PEROTTI,
#39656-060

Pro Se (by telephone)

Plaintiff(s),

v.

UNITED STATES OF AMERICA,
WARDEN CHARLIE DANIELS,
DR. DAVID ALLRED,
R.N. M. ANDREIS,
AW JOHNSON,
HSA COLLINS,
ESTATE OF BRAD CINK, and
R.N. SERBY,

Elizabeth Serio

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: SHOW CAUSE HEARING / RULE 16(b) SCHEDULING CONFERENCE

Court in Session: 9:43 a.m.

Court calls case. Appearances of *Pro Se* plaintiff and defense counsel. Ms. Serio represents Defendants Dr. David Allred, Charlie Daniels, HSA Collins, RN Serby, and the United States of America

The Court raises the Order to Show Cause [Docket No. 27] for discussion. It is noted the Order to Show Cause was continued to this date as to defendants R.N. M. Andries, AW Johnson, and the Estate of Brad Cink.

It is ORDERED: The ORDER TO SHOW CAUSE [Docket No. 27, filed September 08, 2015] is made absolute as to defendants R.N. M. Andries, AW Johnson, and the Estate of Brad Cink. The Court will issue a written recommendation to dismiss these three defendants.

Defendants Dr. David Allred, Charlie Daniels, HSA Collins, RN Serby, and the United States of America Motion to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss [Docket No. 54] is raised for discussion.

It is ORDERED: Defendants Dr. David Allred, Charlie Daniels, HSA Collins, RN Serby, and the United States of America Motion to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss [Docket No. **54**, filed December 10, 2015] is **DENIED** for reasons as set forth on the record.

The following will confirm the actions taken and dates set at the scheduling conference held this date:

Parties shall complete their Fed. R. Civ. P. 26(a)(1) disclosures **on or before DECEMBER 28, 2015.**

Joinder of Parties/Amendment to Pleadings: **JANUARY 29, 2016**

Discovery Cut-off: **JUNE 24, 2016**

Dispositive Motions Deadline: **JULY 29, 2016**

Each side shall be limited to three (3) expert witnesses, without further leave of Court. Parties shall designate experts **on or before FEBRUARY 26, 2016** Parties shall designate rebuttal experts **on or before MARCH 25, 2016** The disclosure of Experts shall be consistent with Fed. R. Civ. P. 26(a)2(B).

Interrogatories, Requests for Production, and Requests for Admissions shall be served on or before **APRIL 22, 2016.**

Each side shall be limited to twenty-five (25) Interrogatories, twenty-five (25) Requests for Production, and twenty-five (25) Requests for Admissions, without leave of Court.

Each side shall be limited to ten (10) depositions. Each deposition shall be limited to one (1) day of a maximum of seven (7) hours, absent leave of Court. All depositions, fact and expert witnesses, shall be completed **no later than JUNE 24, 2016.**

- All depositions shall be conducted pursuant to Fed.R.Civ.P. 30, D.C.COLO.LCivR 30.1, D.C.COLO.LCivR 30.2, and D.C.COLO.LCivR 30.3. Plaintiff shall be aware that [1] any costs associated with a deposition, including any court reporter fees, are the responsibility of the party noticing the deposition and that [2] Plaintiff must confer with defense counsel regarding available dates and times for any depositions he/she may wish to take. Permission must also be obtained from the prison facility.

Any **FINAL PRETRIAL CONFERENCE, TRIAL PREPARATION CONFERENCE,** and **TRIAL** will be set by Chief Judge Marcia S. Krieger at a future date.

The parties anticipate a five (5) day trial to a jury and portions to the Court.

- Parties are directed to www.cod.uscourts.gov regarding Judicial Officers' Procedures and shall fully comply with the procedures and Practice Standards of the judicial officer assigned to try this case on the merits.

[X] Scheduling Order is signed and entered with interlineations **DECEMBER 14, 2015**

Hearing concluded.

Court in recess: 10:00 a.m.

Total in-court time: 00:17

To order a transcript of this proceedings, contact Stevens-Koenig Reporting (303) 988-8470