

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Case No. 17-cv-01400-RM

PANORAMA CONSULTING SOLUTIONS, LLC,

Plaintiff,

v.

RICHARD ARMITAGE,
RICHARD FARRELL,
BRIAN POTTS,
PATRICIA G. STEELE,
LIBERTY TECHNOLOGY ADVISORS, INC.,

Defendants.

ORDER

Pending before the Court is defendants Richard Farrell, Brian Potts, and Liberty Technology Advisors, Inc. (collectively “the LTA defendants”) Motion for Protective Order Staying Examination (ECF No. 47) (“the motion”). Defendant Richard Armitage (“Armitage”) joins in the relief sought by the motion. (*Id* at 2.) The motion was filed yesterday, June 28, 2017, and thus, no response has yet been filed. Nevertheless, in light of the time sensitivities of the relief requested the Court is prepared to rule on the motion without a response being filed.

In the motion, the LTA Defendants assert that plaintiff Panorama Consulting Solutions, LLC’s (“plaintiff”) has scheduled a preservation deposition of Calvin Hamler (“Hamler”), plaintiff’s managing partner, because Hamler will not be available to testify in court on the day of the preliminary injunction hearing scheduled for July 7, 2017. (ECF No. 47 at 2.) Hamler’s deposition

is scheduled for tomorrow, June 30, 2017 at 10:00 a.m. (*Id.* at 1-2.) The LTA Defendants ask for Hamler's preservation deposition to be stayed because plaintiff has not provided the LTA Defendants with unredacted versions of numerous documents filed with plaintiff's Amended Complaint; documents which the LTA Defendants assert contain allegedly misappropriated confidential information and which will be necessary to properly cross-examine Hamler during the deposition. (*Id.* at 2-4.)

The Court GRANTS IN PART and DENIES IN PART the motion as follows. The Court will ALLOW the preservation deposition of Hamler to take place. However, plaintiff is forewarned that no part of Hamler's testimony will be allowed into evidence or considered by the Court to the extent that the testimony relates to any document that has not been **fully** disclosed to the LTA Defendants or Armitage at least two (2) business days before any deposition.¹ The Court would not allow such testimony if Hamler testified in court, and thus, the Court will not allow it by way of deposition.

The Court further notes that, independent of the motion, the current status of the redacted exhibits attached to the Amended Complaint is unacceptable. The Court will not consider any documents at the preliminary injunction hearing that have not be submitted to the Court, in advance of the hearing, in an unredacted fashion. As a result, to the extent plaintiff intends to rely upon any exhibit attached to the Amended Complaint that is redacted to any degree, plaintiff must file it with the Court unredacted on or before July 3, 2017. In doing so, plaintiff may file the exhibits pursuant to D.C.Colo. L.Civ.R. 7.2, provided that plaintiff fully complies with the requirements of that rule, including filing a motion to restrict explaining why the level of restriction is necessary.

¹ Assuming that Hamler's deposition is meant to take place on June 30, 2017, the practical effect of requiring full disclosure at least two days prior to the deposition will prevent Hamler from testifying with respect to any of the redacted exhibits attached to the Amended Complaint.

Finally, the Court observes that there are clearly many areas of contention between the parties, and, from the Court's vantage point, that contention appears to be spilling over into how this case is being conducted. The Court advises the parties that this case will proceed more efficiently and hopefully with less motions practice if the parties act in good faith and leave any mistrust outside the proverbial courtroom doors. The Court expects nothing less.

For these reasons, the Court GRANTS IN PART and DENIES IN PART the Motion for Protective Order Staying Examination (ECF No. 47) as set forth herein.

SO ORDERED.

DATED this 29th day of June, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', written over a horizontal line.

RAYMOND P. MOORE
United States District Judge