

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 05-cv-01883-REB-CBS
Date: May 02, 2006

FTR - Reporter Deck, Crtrm A402
Courtroom Deputy, Ellen E. Miller

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Rita B. Kittle (by telephone)

Plaintiff(s),
and

YOLANDO CARRILLO,

Gregory A. Hall (by telephone)
John S. Evangelisti (by telephone)

Intervenor Plaintiff(s),
v.

ACEPEX MANAGEMENT CORPORATION,

Evan S. Lipstein (by telephone)

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTIONS HEARING / STATUS CONFERENCE

Court in Session: 8:30 a.m.

Court calls case. Appearance of counsel.

It is ORDERED: Defendant's MOTION FOR PROTECTIVE ORDER (Docket No. **47**, Filed April 28, 2006) is **DENIED without Prejudice.**

It is ORDERED: Defendant's MOTION FOR ORDER FOR MENTAL EXAMINATION (Docket No. **50**, Filed May 01, 2006) is **DENIED without Prejudice.**

Discussion is held regarding the topics of the motions.

It is noted Mr. Antonio was deposed for seven hours on April 27, 2006, as a 30(b)(6) witness. Counsel for the EEOC wishes to depose Mr. Antonio in his individual capacity, expecting to inquire as to his background, employment, education, personal relationship with some of the employees,

personal knowledge of the events, and so forth.

It is ORDERED: The EEOC may depose Alan Antonio in his individual capacity.
This deposition shall not be duplicative or cumulative of the deposition taken of Mr. Antonio as a 30(b)(6) deponent.
This deposition is limited to FOUR (4) HOURS.

As to the request regarding the Mental Health Examination, the Court notes there is no supporting information provided as to what Dr. Martinez would ask Dr. Wachtell to test.

Defendant shall either have Dr. Martinez conduct his examination and then approach the Court to address the request of Dr. Wachtell's psychological testing or the defendant may supplement its Motion for FED.R.Civ.P. 35 examination with information from Dr. Martinez describing what specific factors cause him to believe Dr. Wachtell should do psychological testing and to describe the scope of that testing.

Mr. Lipstein notes Dr. Martinez is scheduled to out of the state, therefore unavailable much of the time until he conducts his examination of Ms. Carrillo on May 15, 2006.

Ms. Carrillo is allowed to tape record the examination.

It is ORDERED: The parties shall submit a STIPULATED PROPOSED ORDER as to the agreements made today regarding the testing of Ms. Carrillo.

In light of these discussions, the deadlines set in the Scheduling Order are modified.

It is ORDERED: AFFIRMATIVE experts shall be designated **on or before JUNE 30, 2006**

REBUTTAL experts shall be designated **on or before JULY 30, 2006**

DISCOVERY CUTOFF is **extended** to **AUGUST 30, 2006**

DISPOSITIVE MOTION deadline is **extended** to **SEPTEMBER 30, 2006**

The SETTLEMENT CONFERENCE set **MAY 04, 2006 at 9:30 a.m.**
remains set.

The FINAL PRETRIAL CONFERENCE set **JANUARY 09, 2007 at 9:15 a.m.**
remains set.

HEARING CONCLUDES. **Court in recess:** 9:10 a.m. Total In-Court Time: 00:33