

DISTRICT COURT, DENVER COUNTY, COLORADO		<p>DATE FILED March 9, 2020 2:39 PM CASE NUMBER: 2019CV34953</p> <p>△ COURT USE ONLY △</p> <p>Case Number: 2019CV34953 Division: 466 Courtroom:</p>
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202		
Plaintiff(s) DEEANN HAMPTON		
v.		
Defendant(s) MELISSA HART		
Order: APPROVING CASE MANAGEMENT ORDER and VACATING CASE MANAGEMENT CONFERENCE		

The motion/proposed order attached hereto: APPROVED.

The proposed case management order submitted by counsel for the parties is APPROVED. The case management conference set for March 12, 2020 is VACATED.

Issue Date: 3/9/2020



ANDREW PATRICK MCCALLIN
District Court Judge

DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street, Room 256 (Clerk's Office) Denver, CO 80202 (720) 865-8614	
	▲ COURT USE ONLY ▲
Plaintiff: DEEANN HAMPTON v. Defendant: MELISSA HART	Case No: 2019CV34953 Div: 466 Honorable Andrew Patrick Mccallin, Judge
CASE MANAGEMENT ORDER	

In that there are no issues in dispute, the parties request that the Court VACATE the Case Management Conference scheduled for March 12, 2020 and enter the following Case Management Order:

1. The "at issue date": January 27, 2020.
2. Responsible attorney's name, address, phone number and email address:

Brian Hugen, Esq.
Ramos Law
3000 Youngfield St., Ste. 200
Wheat Ridge, CO 80215
Phone Number: (303) 733-6353
Fax Number: (303) 865-5666
E-mail: Brianh@ramoslaw.com
3. The lead counsel for each party, Brian Hugen, Esq. for the Plaintiff, and Deana R. Dagner, Esq. for the Defendant, conferred concerning this Proposed Order and each of the issues listed in C.R.C.P. 16(b)(3)(A) through (E).
4. Brief description of the case and identification of the issues to be tried:

The Plaintiff claims that on January 3, 2017, the Defendant Melissa Hart was negligent in the operation of a motor vehicle and caused a collision with the vehicle operated by Plaintiff Deeann Hampton. The Plaintiff further claims that as a result of the Defendant Melissa Hart's negligence and of the collision, she sustained personal injuries and damages.

The Defendant disputes causation, and the nature and extent of Plaintiff's claimed injuries, damages, and losses. Further, Defendant asserts affirmative defenses as stated in her Answer to Plaintiff's Complaint for Damages and Jury Demand.

5. The following motions have been filed and are unresolved: None
6. Brief assessment of each party's position on the application of the proportionality factors including those listed in C.R.C.P. 26(b)(1):
 - a. Plaintiff's assessment: This is an auto collision personal injury damage lawsuit. Plaintiff's economic damages: Plaintiff Deeann Hampton's medical bill damages to date total \$86,660.66. Future medical treatment bills are \$16,674.00 and she continues to receive medical treatment at this time. The Plaintiff's injuries include serious and permanent neck and back injuries. The Plaintiff's non-economic damages, future medical expenses and physical impairment damages will be determined by a jury at trial. The Plaintiff is also seeking prejudgment interest on her damages, and costs.

The Plaintiff believes that the discovery limitations set out in paragraph 11 will be adequate.

- b. Defendant's assessment: Defendant agrees that the discovery limitations set out in paragraph 11 will be adequate.

7. The lead counsel for each party, Brian Hugen for the Plaintiff and Deana Dagner for the Defendant, conferred concerning possible settlement. The prospects for settlement will continue to be discussed between counsel. No mediation or alternative dispute resolution date has been set at this time.

8. Deadlines for:
 - a. Amending or supplementing pleadings: May 11, 2020;
 - b. Joinder of additional parties: May 11, 2020;
 - c. Identifying non-parties at fault: March 30, 2020.

9. Date of initial disclosures: February 24, 2020

Objections, if any, about their adequacy: The parties will continue to communicate regarding any potential disclosure insufficiencies.

10. If full disclosure of information under C.R.C.P. 26(a)(1)(C) was not made because of a party's inability to provide it, the party shall provide a brief statement of reasons for the party's

inability and the expected timing of full disclosures, and completion of discovery on damages. The plaintiff will comply with C.R.C.P. 26(a)(1)(C). In the event further health care treatment is incurred by the plaintiff following the date of this Order, the plaintiff will file a supplemental disclosure pleading and provide the defendant with copies of the treatment records and bills.

11. Proposed limitations on and modifications to the scope and types of discovery, consistent with the proportionality factors in C.R.C.P. 26(b)(1):

- a. Number of depositions per party: 1 of adverse party, plus 2 others, plus experts per C.R.C.P. 26(b)(4)(A)
- b. Number of interrogatories per party: 30;
- c. Number or requests for production of documents per party: 20;
- d. Number of requests for admission per party: 20;
- e. Any physical or mental examination per C.R.C.P. 35: Defendant may seek one or more Rule 35 evaluations of Plaintiff for each area of injury claimed by Plaintiff that is traditionally addressed by separate medical specialties.
- f. Limitations on awardable costs: None at this time; in accordance with applicable Colorado law.
- g. State the justifications for any modifications in the foregoing C.R.C.P. 26(b)(2) limitations: None;
- h. Deadline for completion of all discovery, including discovery responses: 49 days before trial
- i. Discovery may commence upon service of this Case Management Order.

12. Number of experts, subjects for anticipated expert testimony, and whether experts will be under C.R.C.P. 26(a)(2)(B)(I) or (B)(II):

The Plaintiff anticipates calling her treating health care providers as C.R.C.P. 26(a)(2)(B)(I) experts. These experts are expected to testify on the Plaintiff's injuries and damages caused by the motor vehicle collision at issue, on the permanency of the Plaintiff's injuries, disability and future care and expense.

The Defendant may call any Rule 35 evaluator(s), and experts in any field designated by Plaintiff.

13. Proposed deadlines for expert witness disclosure if other than those in C.R.C.P. 26(a)(2):

- a. The parties will comply with the deadlines set out in C.R.C.P. 26(a)(2).

- b. Plaintiff's expert disclosures are due July 13, 2020;
- c. Defendant's expert disclosures are due August 10, 2020;
- d. Plaintiff's rebuttal expert disclosures are due August 31, 2020.

14. Oral Discovery Motions. The Court will resolve discovery disputes as set out in the Court's Pre-Trial Order, Paragraph (1)(a)-(e).

15. Electronically Stored Information. The parties do not anticipate needing to discover a significant amount of electronically stored information.

16. Parties' best estimate as to when discovery can be completed: 49 days before trial.

17. Within 35 days after filing of the proposed Case Management Order, the parties shall schedule mediation with a mediator of their choice and file a Notice of Mediation Setting that provides the name of the mediator and the date of the scheduled mediation. Within 14 days after mediation, a Notice of Mediation Completion shall be filed that contains a status report regarding mediation.

A trial date has been set for November 16, 2020. The parties' best estimate of the length of the trial is four days.

A Pretrial Conference is scheduled for November 12, 2020 at 1:00 p.m.

Approved as to form:

/s/ Brian Hugen

Brian Hugen, Esq.
Attorney for Plaintiff

/s/ Deana Dagner, Esq.

Deana Dagner, Esq.
Attorney for Defendant

CASE MANAGEMENT ORDER

IT IS HEREBY ORDERED that the foregoing, including any modifications made by the court, is and shall be the Case Management Order in this case.

DATED: _____

BY THE COURT

District Court Judge

Attachment to Order - 2019CV34953