

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge John L. Kane**

Date: December 21, 2009

Deputy Clerk: Bernique Abiakam
Court Reporter: Kara Spitler

Civil Action No. 92-cv-00870-JLK

JESSE MONTEZ, et al., as representatives
of themselves and all others similarly
situated,

Paula D. Greisen
Jennifer Riddle
Blain D. Myhre
Edward T. Ramey
Lara E. Marks

Plaintiffs,

v.

BILL RITTER, et al.,

Elizabeth H. McCann
James X. Quinn
Berina Ibrisagic
Robert C. Huss

Defendants.

COURTROOM MINUTES

Oral Argument/ Criteria For Disability Determinations

9:09 a.m. Court in session.

Court calls case. Appearances of counsel. Also present, Laurie Mool for the Plaintiffs. Advisory witnesses for the Defendants, Kathleen Baxter and Joanie Shoemaker.

Court's preliminary comments.

Today's hearing is in regards to the appropriate criteria to determine if someone is hearing disabled that's in the Department of Corrections.

9:10 a.m. Argument by Mr. Huss.

9:12 a.m. Argument by Ms. Marks.

9:14 a.m. Further argument by Mr. Huss.

Mr. Huss is excused from the rest of today's hearing.

ORDERED: The objection for a referral to an outside specialist is sustained.

Discussion regarding outstanding case issues.

Discussion regarding Plaintiff's pending motion to compel.

9:25 a.m. Argument by Ms. Greisen.

Plaintiff's exhibits 1 and 2, tendered to the Court.

9:27 a.m. Continued argument by Ms. Greisen.

9:42 a.m. Argument by Mr. Quinn.

9:53 a.m. Further argument by Ms. Greisen.

10:01 a.m. Further argument by Mr. Quinn.

ORDERED: Motion To Compel Discovery Responses (Filed 12/01/09; Doc. No. 4207) is GRANTED in PART and DENIED in PART, as specified.

Plaintiff's exhibits 1 and 2 offered and admitted.

Discussion regarding a continuance, discovery deadlines, and pending motions.

ORDERED: Plaintiffs shall have to and including January 15, 2010 to respond to pending motions, as specified. Reply is due on or before January 20, 2010.

10:16 a.m. Comments Mr. Ramey regarding possible resolution of Defendants' Motion To Compel (Filed 12/18/09; Doc No. 4229).

ORDERED: Counsel will meet and confer regarding Defendants' Motion To Compel (Filed 12/18/09; Doc. No. 4229). Defendants' counsel will notify the Court if the motion will be withdrawn or if the motion is being limited.

Further discussion regarding discovery and compliance issues.

10:30 a.m. Court in recess.

Hearing continued.

Total time in court: 1 hour, 21 minutes