

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 07-cv-00541-RPM

NICK ROGERS,
AL ARCHULETA,
WILFRED BELIVEAU,
HARRY BLOODWORTH,
MICHAEL CODY,
TIMOTHY DELSORDO,
CORY DUNAHUE,
RUSSELL DYMOND, JR.,
ROBERT FREUND,
MICHAEL GABRIELE,
PAUL GOFF,
ALEXANDER M. GOLSTON,
JEFFREY MARTINEZ,
MICHAEL MOSCO,
PHILLIP NEWTON, and
ANDREW RAMIREZ,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, a Colorado Municipal Corporation,

Defendant.

ORDER ON DEFENDANT'S MOTION FOR PROTECTIVE ORDER

On February 20, 2009, the defendant City and County of Denver filed a motion under Fed.R.Civ.P.26(c) for a protective order regarding number of depositions, addressing the three notices of deposition pursuant to Fed.R.Civ.P. 30(b)(6), identified as payroll, timekeeping and overtime and affirmative defenses. The stated ground is that given these added depositions, the plaintiffs are exceeding the ten deposition limitation agreed to for non-expert depositions. This issue is also raised in the Supplemental Scheduling Order, submitted on February 23, 2009, which has now been signed as of this date. To resolve this dispute and enable discovery to proceed as contemplated in the new Supplemental Scheduling Order, the Court finds and concludes that the notices concerning payroll and timekeeping and overtime are appropriate

even though it may be necessary for the defendant to identify more than one person to respond to the inquiries raised and that the need for these additional deponents should not preclude the taking of the depositions despite the agreement concerning the number of depositions. The Court also finds and concludes that the notice of deposition concerning affirmative defenses seeks support for the contentions of counsel raised in the pleadings in this action and are not appropriate for deposition. The matters in the affirmative defenses are expected to be addressed in the motions for summary judgment that are contemplated. Accordingly, it is

ORDERED that the motion for protective order is denied as to the notices concerning payroll, timekeeping and overtime and granted as to the notice concerning affirmative defenses.

DATED: February 24th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge