

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-02041-CMA-BNB

MICHAEL GENE YOUNG,

Plaintiff,

v.

THOMAS A. ESKESTRAND, M.D.,
ORVILLE NEUFELD, PhD D.O.,
R. LINDSAY LILLY JR., M.D.,
LOUIS CABLING, M.D.,
GARY A. GO, M.D.,
KELLY WASKO, RN,
THEODORE LAWRENCE, PA,
TEJENDER SINGH, PA,
PATTY BEECROFT, M.D.,
DANNY ENGLUND, M.D.,
JOSEPH WERMERS, M.D.,
DEBRA HOWE, RN,
JOHN DOE AND JANE DOE 1-50,

Defendants.

ORDER

This matter arises on the following:

(1) **Motion to Compel, Fed. R. Civ. P. 37(a)(2)(B)** [Doc. # 118, filed 6/23/2009] (the “Motion to Compel”); and

(2) **Motion for Sanctions Including Assessment of Expenses and Attorneys Fees, Rule 37(a)(4)(A) Fed. R. Civ. P.** [Doc. # 131, filed 7/23/2009] (the “Motion for Sanctions”).

I held a hearing on the motions this morning and made rulings on the record, which are incorporated here. In summary and for the reasons stated on the record:

IT IS ORDERED that the Motion to Compel is DENIED. All responsive medical records in the possession, custody, and control of defendants and of the Colorado Department of Corrections have been produced to the plaintiff. Mr. Quinn is directed, however, to complete his efforts to obtain, as an accommodation, any responsive medical records in the possession, custody, or control of the Colorado Department of Human Services and to produce any such responsive records to the plaintiff on or before **August 20, 2009**. The employee files sought by ¶2 of Plaintiff's Second Request for Production of Documents are not relevant to the plaintiff's treatment here, and the request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

IT IS FURTHER ORDERED that the Motion for Sanctions is DENIED.

IT IS FURTHER ORDERED that defendants Wasko, Lawrence, and Howe may have to and including **August 12, 2009**, within which to file a motion for summary judgment.

Dated August 6, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge