

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

Date: January 30, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 08-cv-00039-RPM

S. R. , by his parent and next of friend, ASCENCION RIVERA,

John K. Pineau  
Ingrid J. DeFranco

Plaintiff,

v.

SCHOOL DISTRICT NO. 1, DENVER COLORADO,  
a/k/a DENVER PUBLIC SCHOOLS,  
SCHOOL DISTRICT NO. 1, BOARD OF EDUCATION,  
a/k/a DENVER PUBLIC SCHOOLS BOARD OF EDUCATION,  
LINDA TORRES, individually and  
in her official capacity as Principal of Horace Mann Middle School,  
SHAUN ELLIS, individually and  
in his capacity as Denver Public School Employee,  
SANDY BACA-SANDOVAL, individually and  
in her capacity as Supervisor of Shaun Ellis and  
MICHAEL BENNETT, in his capacity as the Superintendent of Denver Public Schools,  
Employer of Shaun Ellis, Linda Torres and Sandy Baca-Sandoval,

Michael B. Case  
Holly E. Ortiz

*Pro Se - Present*  
Michael Ellis (Father)

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Motion for Mental Examination**

**10:27 a.m. Court in session.**

Court's preliminary remarks.

Mr. Pineau answers questions asked by the Court regarding proposed settlement agreement.  
Mr. Pineau states there is a written agreement settling the case with respect to Shaun Ellis and it has been disclosed to opposing counsel.

**ORDERED: Plaintiff's Motion for Protective Order, filed January 28, 2009 [22], is denied with respect to the deposition of defendant Shaun Ellis.**

10:35 a.m. Argument by Mr. Case.

10:40 a.m. Argument by Mr. Shaun Ellis and answers questions asked by the Court.

Michael Ellis answers questions asked by the Court regarding his son's mental condition.

January 30, 2009  
08-cv-00039-RPM

Discussion regarding scope of medical records release.

**ORDERED:** Motion for Fed.R.Civ.P. 35(A) Mental Examination of Defendant Ellis, filed January 7, 2009 [18], is denied. Defendant Shaun Ellis shall execute a medical records release waiver and provide medical records (from the beginning of mental / behavioral treatment) to counsel (physical injury records excluded). Counsel shall schedule and Depose defendant Shaun Ellis.

10:49 a.m. Argument by Mr. Case.

**ORDERED:** Defendants' Motion to Compel Proper Disclosure of Plaintiff's "Confidential Witness", filed January 13, 2009 [19], is denied. Counsel shall submit an interrogatory.

**10:50 a.m. Court in recess.**

Hearing concluded. Total time: 29 min.