

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00275-CMA-KMT

JOHN NASIOUS,

Plaintiff,

v.

CITY AND COUNTY OF DENVER - Denver Sheriffs [sic] Department,  
SHERIFF STRONG, Denver Sheriffs [sic] Department, in his official and individual capacity,  
NURSE ROSIE PAGLIANO - Denver Sheriffs [sic] Department, in her official and individual  
capacity,

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

Plaintiff's "Motion to Strike Defendat's [sic] Deposition of John Nasious as Premature from Discovery and Not Allow Admission to Court Docut [sic]" (Doc. No. 172, filed November 3, 2011) is DENIED. This court set a discovery schedule, and a deadline of October 24, 2011 for the parties to conduct discovery, during the Preliminary Scheduling Conference on April 25, 2011. (*See* Doc. No. 149.) The defendants properly deposed Plaintiff on October 12, 2011, less than two weeks prior to the discovery deadline.

To the extent Plaintiff objects to his deposition being taken before ruling on his motion to amend his complaint, the objection lacks merit because the motion to amend was denied on November 9, 2011. Moreover, Plaintiff failed to file a motion to quash his deposition or to object to his deposition being taken; nor did Plaintiff seek to extend the discovery deadline to allow for his deposition to be taken after ruling on his motion to amend. To the extent Plaintiff objects to his deposition being taken because he "did not have enough discovery" to answer the questions, the court notes that Plaintiff has failed to request any discovery from Defendants. (*See* Doc. No. 177 at 2.) The court also notes that Plaintiff's deposition properly was noticed by the defendants and that the deposition focused on Plaintiff's background, his recollection of the alleged events, and his claims regarding the alleged events. (*See id.*)

Dated: December 14, 2011