

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

Civil Action No. 08-cv-00498-LTB-BNB

ANTONIO DELMONICO,

Plaintiff,

v.

JEFF CAPITO (Pueblo Police Officer), in his individual and professional capacities,
NATHAN PRUCE (Pueblo Police Officer), in his individual and professional capacities,
CITY OF PUEBLO, COLORADO, and
JAMES BILLINGS, JR. (Chief of Pueblo Police Dept.), in his individual and professional
capacities,

Defendants.

ORDER

This matter arises in connection with the following:

(1) **Defendants' Motion for Sanctions Against Plaintiff for Failure to Cooperate in Discovery** [Doc. # 72, filed 12/23/2008] (the "Motion for Sanctions"); and

(2) **Defendants' Motion for Leave to Designate a Non-Retained Expert After the Expert Designation Deadline** [Doc. # 83, filed 1/8/2009] (the "Motion to Designate Expert").

I held a hearing on these motions yesterday 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 for Sanctions is GRANTED IN PART and DENIED IN PART, as follows:

GRANTED to allow the defendants to reopen the plaintiff's deposition. The reopened deposition shall occur in my jury room on the 4th floor, Alfred A. Arraj United States

Courthouse, 901 19th Street, Denver, Colorado. The parties shall agree on the date of the reopened deposition and shall contact my secretary with that date on or before **January 23, 2009**; and

DENIED in all other respects.

IT IS FURTHER ORDERED that Motion to Designate Expert is GRANTED.

IT IS FURTHER ORDERED that the plaintiff may serve not more than 10 interrogatories on the defendants addressed to the opinions of Sergeant Robert Keller, which may inquire about the bases of the opinions, the reliability of the opinions, and Sergeant Keller's qualifications. The interrogatories shall be served, if at all, on or before **January 27, 2009**.

Dated January 21, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge