

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

Civil Action No. 08-cv-00540-WYD-BNB

JONATHAN AIN,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF AMERICA,

Defendant.

ORDER

This matter arises on the following:

- (1) **Plaintiff's Motion to Compel** [Doc. # 35, filed 12/19/2008] (the "Motion to Compel"); and
- (2) **Plaintiff's Second Motion to Compel** [Doc. # 39, filed 12/29/2008] (the "Second Motion to Compel").

I held a hearing on the 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 to Compel is DENIED.

IT IS FURTHER ORDERED that the Second Motion to Compel is GRANTED IN PART and DENIED IN PART as follows:

GRANTED to require production of documents responsive to Production Request No. 5, subject to the entry of an appropriate blanket protective order to assure any privacy interests which the employees may have in the requested documents. Responsive documents shall be

produced at the later of (a) **January 30, 2009**, or (b) promptly following entry of the blanket protective order;

DENIED with respect to Production Request No. 17, but the parties are directed to consult further under D.C.COLO.LCivR 7.1A to determine if there are any responsive documents and whether they can agree on the production of any responsive documents without further order of the court; and

DENIED in all other respects.

IT IS FURTHER ORDERED that the defendant shall serve, on or before **January 30, 2009**, supplemental discovery responses consistent with the Federal Rules of Civil Procedure identifying any production requests for which there are no responsive documents in its possession, custody, or control.

IT IS FURTHER ORDERED that the defendant's requests for an award of attorneys fees and costs is DENIED.

Dated January 21, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge