

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00737-MSK-KLM

KEITH PARKER,

Plaintiff,

v.

CAPTAIN HALL,
MRS. DONNA WEBSTER,
LT. M. MCCORMICK,
LT. PIPER,
COLORADO DEPARTMENT OF CORRECTIONS, and
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Renewed Motion to Re-Open Discovery** [Docket No. 506; Filed January 24, 2012] (the "Motion"). "Whether to extend or reopen discovery is committed to the sound discretion of the trial court . . ." *Smith v. United States*, 834 F.2d 166, 169 (10th Cir. 1987). The Tenth Circuit

identified several relevant factors in reviewing decisions concerning whether discovery should be reopened, including: 1) whether trial is imminent, 2) whether the request is opposed, 3) whether the non-moving party would be prejudiced, 4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court, 5) the foreseeability of the need for additional discovery in light of the time allowed for discovery by the district court, and 6) the likelihood that the discovery will lead to relevant evidence.

Smith, 834 F.2d at 169 (citation omitted).

Although Defendants oppose the relief sought, the Court finds that review of the *Smith* factors in the context of Plaintiff's request weighs in favor of re-opening discovery for

the limited purpose of conducting the depositions identified herein.¹ Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **GRANTED** as follows. Discovery is re-opened for the limited purpose of Plaintiff conducting the following depositions: 1) Defendant Hall, for no more than two hours; 2) Defendant Webster, for no more than two hours; 3) Defendant McCormick, for no more than two hours; 4) Defendant Piper, for no more than two hours; 5) Jose Medellin, for no more than one hour; 6) Paul Hollenbeck, for no more than two hours; and 7) Nurse Jane Doe, once (and if) identified, for no more than two hours. All seven depositions must be completed on or before **March 15, 2012**.

Dated: January 27, 2012

¹ A judicial officer may rule on a motion at any time after it is filed. D.C.COLO.LCivR 7.1C.