

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

Civil Action No. 08-cv-01265-RPM

LUIS IRENE and
GRETCHEN IRENE,

Plaintiffs,

v.

ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY and
ALLSTATE INSURANCE COMPANY,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR ADDITIONAL SANCTIONS

At the hearing held on June 16, 2010, the Court ordered that a new deposition be taken of Robert Nelson on the subject of notes claimed to have been located after the deposition on December 3, 2009. On August 17, 2010, the plaintiffs' filed a motion for additional sanctions, alleging misconduct regarding the production of notes and Mr. Nelson's testimony at his third deposition taken July 9, 2010. The motion has been briefed.

The contentions made in the plaintiffs' motion are disputed and may be presented in testimony at trial. This case is to be scheduled for trial at a calendar call on November 19, 2010 at 8:00 a.m. The Court does not intend to resolve issues of credibility of Robert Nelson by conducting a hearing on the new motions for sanctions. As to the attorney's fees to be paid for the deposition, the amount is fixed at \$1,050.00. Accordingly, it is

ORDERED that the motion for additional sanctions is denied [88]. It is

FURTHER ORDERED that the defendant shall forthwith pay \$1,050.00 as attorney fees

for the taking of the third deposition of Robert Nelson.

Dated: October 13th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge