

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Craig B. Shaffer**

**Civil Action:08-cv-01592-PAB-CBS**  
**Date: September 6, 2012**

FTR - Reporter Deck-Courtroom A402  
Courtroom Deputy: Robin Mason

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Parties:

ROBERT LONCAR, *et al.*,

Plaintiffs,

v.

WESTERN PEAK, LLC, *et al.*,

Defendants.

Counsel:

George Maurice Allen

Brian Thomas Moore

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: MOTION HEARING**

**Court in Session: 1:27 p.m.**

Court calls case. Appearances of counsel. Parties appearing telephonically instead of physically as ordered.

The parties address the court regarding the fact that they have reached an agreement on all issues. They e-mailed their stipulation to Magistrate Judge Shaffer's chambers prior to the start of this hearing.

The court addresses the parties regarding its ORDER setting hearing on 190 MOTION to Compel Discovery Responses (Docket No. 192, filed on 8/17/2012) and why the parties are not physically present as stated in this order.

The court addresses the parties regarding possibly imposing sanctions. The court orders that the parties be physically present for this hearing as previously ordered. Court shall be in recess until the parties arrive.

HEARING CONTINUED.

**Court in recess: 1:35 p.m.**  
**Court in Session: 1:58 p.m.**

Court calls case. Appearances of counsel.

The court addresses the parties regarding the defendant's MOTION to Compel Discovery Responses (Docket No. 190, filed on 8/10/2012).

Discussion between the court and Mr. Moore regarding why the parties did not show up as previously ordered and the stipulation that was e-mailed to Magistrate Judge Shaffer's chambers.

Discussion between the court and Mr. Allen regarding why the parties did not show up as previously ordered, the stipulation that was e-mailed to Magistrate Judge Shaffer's chambers, discovery responses provided to defense counsel (the court feels the responses were deficient), Rule 34, Rule 33, Rule 37, Rule 69 pertaining to discovery requests, Rule 26(c) and protective orders, the proper accretion of attorney-client privilege when answering interrogatories, and Rule 37(a).

Further discussion with Mr. Allen regarding Rule 27(a), why sanctions should not be imposed, and awarding fees and costs.

For reasons as stated on the record,

**ORDERED:** The court **GRANTS** the defendant's MOTION to Compel Discovery Responses (Docket No. 190, filed on 8/10/2012). The court shall award fees and costs incurred by Mr. Moore as a result of filing this motion. The court shall not award fees and costs incurred by Mr. Moore as a result of attending this hearing.

Further discussion between the court and the parties regarding their stipulation.

**ORDERED:** The court shall require Mr. Allen to fully produce all documents and all information sought after in the discovery request at issue **no later than September 11, 2012 by 5:00 p.m.** Or alternatively, the parties shall submit a proposed joint motion for a superseding order indicating that the parties agree and are asking the court, in lieu of its order requiring production, to execute a superseding order directing production forthwith under the stipulated terms **no later than September 10, 2012 12:00 p.m.**

HEARING CONCLUDED.

**Court in recess: 3:04 p.m.**  
Total time in court: 01:14

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