

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Laird T. Milburn

Civil Action No. 08-cv-01957-MSK-LTM

KEN W. VESTER,

Plaintiff,

v.

ASSET ACCEPTANCE, LLC,

Defendant.

ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR EXTENSION OF TIME
AND MODIFICATION OF SCHEDULING ORDER (docket # 63)
and
DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES (docket # 65)

The Court, pursuant to its Order of April 14, 2009, held a status conference with respect to Plaintiff's Motion for Extension of Time and Modification of Scheduling Order (docket # 25) which was filed on April 2, 2009 and Defendant's Motion to Compel filed on April 4, 2009, and the parties responses and replies thereto, and being aware of the requirements contained in Rules 33, 34, 37 and other rules pertaining to discovery,

IT IS HEREBY ORDERED that (1) the Plaintiff's shall on or before April 16, 2009 revise and supplement its request for the production of documents from Defendant relating to the "Household account" and "Providian" account, "more specifically described in the record" and, it is further ORDERED that Defendant shall have until April 27, 2009 to file its response to Plaintiff's request and thereafter Plaintiff shall file a "Status Report, containing the Defendant's supplementation and objections thereto" on

or before April 29, 2009. (2) Should the motion thereafter remain unresolved additional proceedings, as needed, will be conducted.

In addition, IT IS HEREBY ORDERED that Defendant's Motion to Compel Discovery from Plaintiff is granted in part, specifically that Plaintiff shall on or before April 24, 2009 supplement its discovery responses to Defendant's first set of interrogatories, request for production of documents and admissions, dated January 18, 2009 by (1) furnishing copies of all of his banking records that are in his possession or control for the past ten (10) years, and/or providing a release to Defendant allowing him to obtain such records that are not in Plaintiff's possession or control, and in addition provide supplemental answers to Defendant's interrogatories numbered 3, 4, 6, 7, 9, 10, 17, 19, and 20. Thereafter, Defendant shall file a status report with the Court on or before April 30, which also shall contain any objections or additions thereto as Plaintiff may request, thereby informing the Court whether or not there is a continuing dispute between the parties regarding Plaintiff's motion to compel discovery. Thereafter, if necessary, the Court will again consider any remaining disputes concerning this motion to compel.

Further, IT IS FURTHER ORDERED that neither the Plaintiff nor Defendant shall be awarded fees or costs associated with filing of either motion addressed by this order, since the Court views the motions to represent only a continuing dispute between the parties regarding discovery in this case.

Finally, IT IS HEREBY ORDERED that paragraph 8 of the Scheduling Order entered in this case (docket # 25) is amended so that the deadline for the joinder of

parties and the discovery cutoff shall now be May 4, 2009.

DATED: April 16, 2009 at Grand Junction, Colorado.

BY THE COURT:

s/Laird T. Milburn

Laird T. Milburn
United States Magistrate Judge