

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 08-cv-02162-MSK-KMT

FTR

Date: July 16, 2009

Debra Brown, Deputy Clerk

GAIL TAFOYA

Theodore Watson
David Rafael Medina

Plaintiff,

v.

DEAN FOODS COMPANY, et al.

Emily Keimig
Daniel M. Combs

Defendant.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in Session: 10:24 a.m.

Court calls case. Appearance by counsel. Also present is Stephanie Grace.

Plaintiff's MOTION to Compel answers to Plaintiff's Interrogatories and Requests for Production and Admissions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 [Document #38, filed June 18, 2009] at issue:

Opening statements by Counsel.

ORDERED: Plaintiff's MOTION to Compel answers to Plaintiff's Interrogatories and Requests for Production and Admissions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 [Document #38, filed June 18, 2009] **is granted in part and denied in part as follows:**

As to Interrogatories and Request for Production of Documents (hereinafter "RPD") No. 1, 4, 5, 8, and 9 the motion to compel is denied as moot. The parties agree there is no dispute.

As to Interrogatory No. 2 and "RPD" The motion to compel is denied.

As to Interrogatory No. 3 and "RPD" The motion to compel is denied as over broad.

As to Interrogatory No. 6 and "RPD" 6 is over broad and denied.

As to Interrogatory No. 7 and "RPD" is over broad and denied.

As to Interrogatory No. 10 and "RPD" the motion to compel is granted but limited to the period of time when Ray Pope was the supervisor of plaintiff.

Court in recess: 12:15 p.m.

Court in session: 12:25 p.m.

As to Interrogatory No. 11 and "RPD" the motion to compel is granted for the same time period the same as #10 that Roy Pope was supervisor of the plaintiff other employees as it relates to the weight audits for similar departments at Meadow Gold Englewood.

As to Interrogatory No. 12 and "RPD" the motion to compel is granted to the extent defendant will provide additional documentation for the three (3) years prior to plaintiffs termination.

As to Interrogatory No. 13 and "RPD" the motion to compel is denied as moot since the documents were provided but overlooked by counsel.

As to Interrogatory No. 14 and "RPD" the motion to compel is denied as irrelevant.

As to Interrogatory No. 15 and "RPD" the motion to compel is denied, the defendants have fully responded.

As to Interrogatory No. 16 and "RPD" the motion to compel is granted in part limited to the time period plaintiff worked in the Milk Department.

As to Interrogatories No. 17 and 18 and "RPD" the motion to compel is granted in part to the extent that defendant will provide additional documentation relating to age.

As to Interrogatory No. 19 and "RPD" the motion to compel is denied as irrelevant.

As to Interrogatory No. 20 and "RPD" the motion to compel is denied.

ORDERED: The Court will award attorney fees and costs to Defendant in connection with the motion to compel and Defendant's appearance today. Defendant will be awarded 85% of the total expended fees. Defendants shall submit a reasonable accounting of fees and costs within ten (10) days for the court's review. The Plaintiff will have ten (10) days to respond to the cost accounting

ORDERED: Plaintiff shall provide supplemental responses as stated on or before July 31, 2009.

Court in recess: 1:52 p.m.

Total In-Court Time 3:18; hearing concluded