

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

Civil Action No. 08-cv-02756-RPM

LORIE CHRISTINE MCKOWN,

Plaintiffs,

v.

DAVID COPE,
VAIL SUMMIT RESORTS INC., d/b/a
KEYSTONE SKI RESORT,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

On October 8, 2009, the plaintiff filed a Motion to Compel documents and Production of Information from Defendant Cope. That defendant filed his response on November 11, 2009. The objection to discovery is based on the assertion of a physician-patient privilege. It is clear from the deposition testimony of Defendant Cope, cited in the plaintiff's motion, that he has interjected into this case the condition of his knees and that subject is relevant both to the cause of the collision and the appropriateness of employment of David Cope as a ski instructor. Accordingly, it is this Court's view that the physician-patient privilege has been waived to the extent that the plaintiff has requested information and it is therefore

ORDERED that the plaintiff's motion to compel is granted and Defendant Cope shall comply within twenty days.

Dated: November 12th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge