

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 09-cv-00007-REB-MEH
Courtroom Deputy: Cathy Coomes

Date: January 8, 2010
FTR – Courtroom C203

AAA NATIONAL MAINTENANCE,

Anne Thomas Sulton

Plaintiff,

vs.

CITY AND COUNTY OF DENVER,
DENVER DEPARTMENT OF AVIATION,
KENTON JANZEN,
APRIL HENDERSON, and
RUTH RODRIGUEZ,

Martha Moore Tierney
Pamela H. Vanderpool

Defendants.

COURTROOM MINUTES/MINUTE ORDER

MOTIONS HEARING

Court in session: 9:19 a.m.

Court calls case. Appearances of counsel.

Counsel advise the Court that they have reached an agreement regarding Plaintiffs' Motion to Take Videotaped Deposition of Paul Hardy (Doc. #105, filed 12/21/09) and state the agreement on the record. Defendants orally move to take the deposition of Steve Draper, and Plaintiff has no objection.

Argument and discussion regarding Defendants' Motion for Discovery Sanctions Pursuant to Rule 37(B) and (C) [Doc. #103, filed 12/18/09].

Discussion as to documents regarding overhead costs that were to be produced by Plaintiff but have not been received by Defendants.

- ORDERED:**
1. Plaintiffs' Motion to Take Videotaped Deposition of Paul Hardy [Doc. #105, filed 12/21/09] is GRANTED to the extent stated on the record. Defendants' oral motion to take the deposition of Steve Draper is also GRANTED.
 2. Defendants' Motion for Discovery Sanctions Pursuant to Rule 37(B) and (C) [Doc. #103, filed 12/18/09] is GRANTED IN PART and DENIED

WITHOUT PREJUDICE IN PART as stated on the record. The Court awards to Defendants the reasonable fees and costs associated with the filing of this Motion (Doc. #103) in light of the Court's ruling.

Plaintiff shall produce an itemization of claimed damages by **January 13, 2010**. Defendants are granted leave to take a 30(b)(6) damages deposition prior to trial and the depositions of the two accountants under *subpoena duces tecum*. The Court is denying without prejudice the motion to the extent it seeks to preclude Plaintiff from pursuing any theory of damages.

3. Plaintiff shall reproduce to Defendants every document already produced in discovery, whether in connection with a request submitted by Defendants or in response to an order of this Court, by **January 13, 2010**, in the format discussed on the record. A Status Conference is hereby set for **January 15, 2010, at 9:00 a.m.** Ms. Sulton may appear by telephone at that hearing and is directed to call (303)844-4507 at the designated time. Counsel shall be prepared to discuss at that time the status of the reproduction of the requested documents, all remaining depositions and the remaining course of discovery.

Court in recess: 10:16 a.m. (Hearing concluded)

Total time in court: 0:57