

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00504-MJW-KLM

DATAWORKS, LLC,

Plaintiff,

v.

PLANIT PLANNERS, INC.,

Defendant.

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**ORDER REGARDING  
PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES  
(DOCKET NO. 40)**

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**Entered by Magistrate Judge Michael J. Watanabe**

This matter is before the court on Plaintiff's Motion to Compel Discovery Responses (docket no. 40). The court has reviewed the subject motion (docket no. 40) and the response (docket no. 44). In addition, the court has taken judicial notice of the court's file and has considered applicable Federal Rules of Civil Procedure and case law. The court now being fully informed makes the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The court finds:

1. That I have jurisdiction over the subject matter and over the parties to this lawsuit;
2. That each party has been given a fair and adequate opportunity to

be heard;

3. That venue is proper in the state and District of Colorado;
4. That the party resisting the discovery has the burden of showing the requests are irrelevant, over-broad, or unduly burdensome, including providing a detailed explanation, exhibits, and/or affidavits to support the claim. See Bonanno v. Quizno's Franchise Co., LLC, 255 F.R.D. 550, 552-53 (D. Colo. 2009); Klesch & Co. Ltd v. Liberty Media Corp., 217 F.R.D. 517, 523-24 (D. Colo. 2003) (citing Horizon Holdings, Inc. v. Genmar Holdings, Inc., 209 F.R.D. 208, 213 (D. Kan. 2002));
5. That as to Request for Production Nos. 2 , 4, 11, 12, these Requests for Production are all overly broad and unduly burdensome. See Hiskett v. Wal-Mart Stores, Inc., 180 F.R.D. 403 (D. Kan. 1998); and
6. That as to Interrogatories Nos. 4, 7, 8, 11, 12, 16, 17, 18, 19, these Interrogatories are all overly broad and unduly burdensome. See Id.

**WHEREFORE**, based upon these findings of fact and conclusions of law, this court **ORDERS**:

1. That Plaintiff's Motion to Compel Discovery Responses (docket no. 40) is **DENIED**; and
2. That each party shall pay their own attorney fees and costs for this

motion.

Done this 21<sup>st</sup> day of July 2010.

BY THE COURT

s/ Michael J. Watanabe  
MICHAEL J. WATANABE  
U.S. MAGISTRATE JUDGE