

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-00528-PAB-BNB

DATAWORKS, LLC, a Colorado limited liability company,

Plaintiff,

v.

COMMLOG LLC, an Arizona limited liability company,

Defendant.

ORDER

This matter arises on **Plaintiff's Motion to Compel Discovery** [Doc. # 50, filed 3/8/2010] (the "Motion to Compel"). I held a hearing on the Motion to Compel this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED that the Motion to Compel is GRANTED IN PART and DENIED IN PART as follows:

GRANTED with respect to the following:

- Interrogatories No. 4, 10, 11, 12, 14, 15, 16, 17, and 18. The requested information is relevant to matters at issue in the case or reasonably calculated to lead to the discovery of admissible evidence, and the responses are incomplete or evasive; and
- Production Requests No. 1, 2, 3, 4, 5, 7, 8, and 9. The documents requested are relevant to matters at issue in the case or reasonably calculated to lead to the discovery of admissible evidence.

GRANTED IN PART with respect to Interrogatories No. 9 and 13 to require the defendant to identify all documents that refer or relate to its altering, creating, or designing its Trainer's Log Book and/or Manager's Red Book, and DENIED in all other respects. This information is relevant to matters at issue in the case or reasonably calculated to lead to the discovery of admissible evidence and has not been provided.

DENIED with respect to the following:

- Interrogatories No. 7 and 8. The information is equally available to the plaintiff by its review of the Trainer's Log Book and Manager's Red Book, which have been produced;
- Interrogatories No. 2 and 3, which are improper blockbuster interrogatories. See Grynberg v. Total, S.A., 2006 WL 1186836 (D. Colo. May 3, 2006); and
- Interrogatory No. 19, which is unduly burdensome. Any relevant information is responsive to the more narrowly tailored discovery requests contained within the plaintiff's first discovery requests concerning the defendant's customers, sales, etc.

IT IS FURTHER ORDERED that the defendant shall make supplemental discovery responses consistent with this order on or before **April 9, 2010**.

IT IS FURTHER ORDERED that the plaintiff's request for attorney fees is DENIED for the reasons stated on the record.

Dated March 29, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge