

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

Civil Action No. 09-cv-00704-CMA-KMT

FTR - Courtroom C-201

Date: September 2, 2010

Deputy Clerk, Nick Richards

LAUREN P. ANDERSON, and
WILLIAM W. ANDERSON, III,

John D. Rawls

Plaintiffs,

v.

DAVID C. VAN PELT, M.D.,
BROOKS W. LONG, M.D.,
CHRISTOPHER G. MCLAUGHLIN, M.D., and
SALLIE B. CLARK, M.D.,

Ann M. Thompson
John Oliver Martin
Stephen Jerome Hensen

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTIONS HEARING: 9:33 a.m.

Court in session:

Court calls case. Appearances of counsel.

Hearing is set for Plaintiff's Motion for Order to Determine Sufficiency of Defendant Van Pelt's and Long's Answers and Objections to Requests for Admission and to Compel Discovery [Doc. No. 140, filed July 14, 2010], Plaintiff's Motion for Order to Determine Sufficiency of Defendant McLaughlin's Answers and Objections to Requests for Admission and to Compel Discovery [Doc. No. 142, filed July 14, 2010], and Plaintiff's Motion for Order to Determine Sufficiency of Defendant Clark's Answers and Objections to Requests for Admission and to Compel Discovery [Doc. No. 144, filed July 14, 2010].

Oral Arguments from Plaintiff.

Oral Arguments from Defendants.

Rebuttal from Plaintiff.

It is ORDERED: Request for Admissions 1-5 are **DENIED** as improper requests.

Courts are divided on whether an answering party may properly respond to a request for admission to matters that the party regards in dispute. Request for Admissions 6 and 7 were proper requests. Replies from Defendant's were sufficient.

Plaintiff's Motion for Order to Determine Sufficiency of Defendant Van Pelt's and Long's Answers [140], Motion for Order to Determine Sufficiency of Defendant McLaughlin's Answers [142], and Motion for Order to Determine Sufficiency of Defendant Clark's Answers [144] are **DENIED**.

It is ORDERED: Request for production of documents of interrogatories relating to Request for Admissions 6 and 7 are **DENIED**.

Court in Recess: 10:33 a.m.

Hearing concluded.

Total In-Court Time 01:00

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.