

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00967-REB-MJW

ALLSTATE INSURANCE COMPANY,

Plaintiff(s),

v.

WEST AMERICAN INSURANCE COMPANY,

Defendant(s).

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion to Compel Responses to Written Discovery; Request for Expedited Ruling; and Request for Sanctions (docket no. 77) is GRANTED IN PART AND DENIED IN PART for the following reasons.

This court finds that Defendant West American's Claims File is relevant, pursuant to Fed. R. Civ. P. 26(b)(1) and Lumpkin v. Clark, 2009 U.S. Dist. LEXIS 34866 (D. Colo. 2009), *citing* Oppenheimer Fund v. Sanders 437 U.S. 340 (1078), to the disputed issues in this case on contribution, apportionment of liability, Defendant West American's reasons for denial of Mountain West Lodging's (MWL's) claim and the basis for Defendant West American's affirmative defenses and thus should be produced. Moreover, this court finds that such Claims File is likely to lead to the discovery of admissible evidence at trial and such information is not readily available from other sources. Lastly, this court finds that some portions of the Claims File may be privileged. Accordingly, the subject motion (docket no. 77) is GRANTED insofar as the Defendant West American shall provide to the Plaintiff Allstate its Claims File as requested in the subject motion (docket no. 77) on or before May 24, 2010. If Defendant West American is claiming privilege to any portion of such Claims File then Defendant West American shall provide to Plaintiff Allstate a detailed and itemized privilege log on or before May 24, 2010. The subject motion (docket no. 77) is also GRANTED insofar as Defendant American West shall fully respond to Plaintiff Allstate's Interrogatories 5, 6, 9, 11-15, inclusive and 22 on or before May 24, 2010. That the remainder of the relief sought in the subject motion (docket no. 77) is DENIED.

Date: May 10, 2010

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