

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

Civil Action No. 09-cv-01103-REB-BNB

KENNETH WARE,

Plaintiff,

v.

DENVER HEALTH, d/b/a DENVER CARES, and
MARK WRIGHT,

Defendants.

ORDER

This matter arises on **Denver Health's Motion for Sanctions for Plaintiff's False Discovery Responses, Or Alternatively, To Allow Additional Limited Discovery** [Doc. # 53, filed 3/17/2010] (the "Motion for Sanctions"). I held a hearing on the Motion for Sanctions this morning and made rulings on the record. In summary and for the reasons stated on the record:

IT IS ORDERED that the Motion for Sanctions is GRANTED as follows:

(1) On or before **April 9, 2010**, the plaintiff shall provide a supplemental response to Interrogatory No. 3 which completely and honestly answers the interrogatory and complies with all formalities for interrogatory answers imposed by the Federal Rules of Civil Procedure;

(2) Discovery is reopened through **April 23, 2010**, solely to allow the defendant to conduct discovery concerning plaintiff's medical and mental health treatment since January 1, 2007, including reopening the plaintiff's deposition and service of subpoenas to obtain documents and testimony;

(3) Shortening to three business days the reasonable notice under D.C.COLO.LCivR

30.1A for the taking of depositions; and

(4) Imposing on the plaintiff personally, and not his counsel, the costs and attorney fees incurred by the defendant in bringing the Motion for Sanctions. To effectuate this sanction, the defendant shall prepare a fee application and serve it on plaintiff's counsel on or before **April 16, 2010**. The parties thereafter shall confer in an attempt to reach agreement on the amount of fees and costs to be assessed, and shall file a stipulation if agreement can be reached. If agreement cannot be reached, the defendant shall file its fee application on or before **April 26, 2010**.

IT IS FURTHER ORDERED that the Motion for Sanctions is DENIED in all other respects.

IT IS FURTHER ORDERED that the final pretrial conference set for April 13, 2010, at 9:00 a.m., is VACATED and RESET to **May 18, 2010, at 8:30 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The parties shall submit a proposed final pretrial order on or before May 14, 2010.

Dated April 2, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge