

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

Civil Action No. 09-cv-01390-MSK-BNB

JANELL KENFIELD, formerly known as Janell Bezdek,

Plaintiff,

v.

COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT, a department of the
State of Colorado,

Defendant.

ORDER

This matter arises on the plaintiff's **Motion for Extension of Discovery Deadline** [Doc. # 85, filed 8/31/2010] (the "Motion for Extension"). The Motion for Extension seeks to extend the discovery cut-off to accomplish three tasks:

- (1) Complete the deposition of Althea Bruce on September 1, 2010;
- (2) Take the deposition of Roz Bedell on September 23, 2010; and
- (3) Allow the plaintiff to subpoena documents from Rebecca Jordan.

The defendant does not oppose the extension to allow the depositions of Bruce and Bedell, and good cause exists in support of the request. The defendant takes no position concerning the Jordan subpoena, and the need and propriety of it are not clear. First, it appears that the documents were produced to the plaintiff as the defendant's 10th Supplemental Disclosure, and there is no need to subpoena documents already produced. In addition, if Ms. Jordan is an employee of the defendant and the documents were obtained or created within the scope of that employment, they must be obtained by a request for production of documents and

not by a subpoena.

IT IS ORDERED that:

(1) The Motion for Extension [Doc. # 85] is GRANTED IN PART to allow the completion of the deposition of Althea Bruce on September 1, 2010, and the deposition of Roz Bedell on September 23, 2010; and

(2) A hearing is set on that part of the Motion for Extension concerning the Jordan subpoena for **September 10, 2010, at 8:30 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The defendant shall respond to the Motion for Extension insofar as it relates to the Jordan subpoena, if at all, on or before **September 8, 2010**. No reply will be allowed.

Dated September 1, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge