

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 09-cv-02243-RPM-MEH
Courtroom Deputy: Cathy Coomes

Date: December 3, 2010
FTR – Courtroom C203

JUDY JARAMILLO,

Plaintiff,

Ralph Gilbert Torres

vs.

ADAMS COUNTY SCHOOL DISTRICT 14,

Defendant.

Lawrence L. Lee
Heather K. Kelly

COURTROOM MINUTES/MINUTE ORDER

MOTIONS HEARING

Court in session: 10:14 a.m.

Court calls case. Appearances of counsel. Also present: Judy Jaramillo, Chris Roberts, Debbie Elmore, and Brian Fuller.

Discussion regarding Defendant's Second Motion to Compel (Doc. #42, filed 10/18/10).

10:16 a.m. Opening statements by Mr. Lee. Mr. Lee tenders to the Court an exhibit notebook containing Defendant's exhibits.

10:26 a.m. Opening statements by Mr. Torres.

10:30 a.m. Judy Jaramillo is sworn, examined by Ms. Kelly, and questioned by the Court. Witness is referred to Defendant's Exhibit G.

Discussion regarding acquiring Plaintiff's laptop computer and retrieving the AOL e-mails in question.

10:49 a.m. Judy Jaramillo is excused.

Discussion regarding the motion and obtaining the AOL e-mails in question without utilizing Plaintiff's laptop computer.

11:16 a.m. The Court will take a brief recess to allow time for retrieving the e-mails and obtaining a copy of Plaintiff's deposition transcript.

11:52 a.m. On the record.

Further argument and discussion regarding Defendant's Second Motion to Compel.

ORDERED: Defendant's Second Motion to Compel (Doc. #42, filed 10/18/10) is DENIED without prejudice as to spoliation sanctions and GRANTED in all other respects as stated on the record, with the exclusion of the request for attorneys' fees.

- Plaintiff shall produce to Defendant on or before **December 8, 2010**, the AOL e-mails in native format, exactly as contained in Plaintiff's AOL account, and including the prior history of the e-mails in question. Further briefing on the e-mail issue, if any, shall be filed on or before **December 13, 2010**.
- Plaintiff shall sign releases for her medical records from January 1, 2005, to the present.

Discussion and argument regarding Plaintiff's Motion to Compel Discovery from Defendant (Doc. #45, filed 10/26/10).

12:10 p.m. Christopher Roberts is sworn, examined by Mr. Torres, and questioned by the Court.
Witness is referred to Defendant's Exhibit S.

12:33 p.m. Christopher Roberts is excused.

Further discussion and argument regarding other issues contained in Plaintiff's Motion to Compel Discovery from Defendant.

ORDERED: Plaintiff's Motion to Compel Discovery from Defendant (Doc. #45, filed 10/26/10) is GRANTED in part and DENIED in part, with the exclusion of the issue of comparative information and request for attorneys' fees. The Court will issue a separate written order on those matters.

- As to the electronic discovery search term issue, on or before **December 10, 2010**, Plaintiff shall submit to the Court her proposal for an additional search of Defendant's electronic documents, at Plaintiff's expense, including but not limited to the mechanism of the search, the length of time the search will take, and a list of search terms. Defendant may file any objection to this process on or before **December 28, 2010**. Plaintiff may reply on or before **January 6, 2011**. The person conducting the electronic search will sign a confidentiality agreement, drafted by Defendant, consistent with the governing protective order. Defendant may review any electronic documentation for privilege and record any withholdings or redactions in a privilege log before production is made to Plaintiff.

Court in recess: 12:57 p.m. (Hearing concluded)
Total time in court: 2:07