

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

Civil Action No. 09-cv-02349-REB-BNB

JESUS ZAPIEN,

Plaintiff,

v.

HOME DEPOT USA, INC.,

Defendant.

ORDER

This matter arises on the following:

(1) **Defendant Home Depot U.S.A., Inc.’s Motion for Entry of Protective Order of Confidentiality, and Brief In Support Thereof** [Doc. # 30, filed 7/8/2010] (the “Motion for Blanket Protective Order”); and

(2) **Plaintiff Jesus Zapien’s Motion to Compel Discovery Responses and Motion for Sanctions** [Doc. # 33, filed 7/12/2010] (the “Motion to Compel”).

I held a hearing on the motions this morning and made rulings on the record, which are incorporated here. In summary and for the reasons stated on the record:

IT IS ORDERED that the Motion for Blanket Protective Order [Doc. # 30] is GRANTED. The parties shall submit a proposed protective order on or before **July 22, 2010**, for my review.

IT IS FURTHER ORDERED that the Motion to Compel [Doc. # 33] is GRANTED IN PART and DENIED IN PART as follows:

- DENIED with respect to Production Requests No. 5, 11, and 15, all responsive documents having been produced;
- GRANTED with respect to Production Requests No. 6, 10, and 16, subject to the entry of a blanket protective order to protect from unnecessary disclosure those confidential and trade secret documents stamped as confidential by the defendant;
- GRANTED with respect to Production Request No. 7, a search for responsive documents for a period of seven years having been performed, rendering moot the objection based on undue burden;
- DENIED with respect to Production Request No. 12, finding that any greater search for responsive documents is unreasonably burdensome and the burden is disproportionate to the likely value of any additional responsive documents which may be disclosed;
- DENIED with respect to Production Request No. 13 based on undue burden and proportionality; and
- GRANTED with respect to Production Request No. 14 to require the defendant to produce any responsive documents in its possession, custody, or control at the level (or any higher level) where the decision was made to include this model sewer snake among the defendant's rental inventory.

IT IS FURTHER ORDERED that the defendant shall make supplemental discovery responses consistent with this order and produce all responsive documents on or before **July 26, 2010**, except with respect to Production Request No. 14, for which the defendant shall make a supplemental discovery response consistent with this order and produce all responsive documents as soon as they are available but in no event later than **August 2, 2010**.

IT IS FURTHER ORDERED that the plaintiff's response to Defendant Home Depot U.S.A., Inc.'s Motion for Summary Judgment is due on or before **July 30, 2010**.

IT IS FURTHER ORDERED that the final pretrial conference set for July 27, 2010, at 11:00 a.m., is VACATED and RESET to August 18, 2010, at 1:00 p.m., in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. A proposed Final Pretrial Order shall be prepared by the parties and submitted to the court no later than August 11, 2010.

Dated July 19, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge