

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 09-cv-02369-MSK-KMT

FTR - Courtroom C-201

Date: August 31, 2010

Deputy Clerk, Nick Richards

MADISON SERVICES COMPANY, LLC,

Plaintiff,

Denise D. Riley
Alexander Christian Clayden
Jan Kneisel

v.

JOHN GORDON,

Defendant.

Paul Gordon
Stephen Francis McWhirter

COURTROOM MINUTES / MINUTE ORDER

MOTIONS HEARING

Court in session: 10:11 a.m.

Court calls case. Appearances of counsel.

Hearing is set for Defendant's Motion to Compel [Doc. No. 127, filed June 16, 2010] and Defendant's Renewed Motion to Supplement Administrative Record [Doc. No. 138, filed June 23, 2010].

Oral arguments from Defendant.

Oral arguments from Plaintiff.

It is ORDERED: Defendant's Renewed Motion to Supplement Administrative Record [138] is **TAKEN UNDER ADVISEMENT**.

Plaintiff shall designate supplemental documents – requested only upon the court's allowing the admission of any of Defendant's proposed supplements – on or before September 7, 2010. Defendant shall respond to Plaintiff's proposed supplemental documents on or before September 14, 2010.

It is ORDERED: Defendant's Motion to Compel [127] is **GRANTED IN PART** and **DENIED IN PART** as follows:

Request 1, bullet points 2 and 6 are **GRANTED**. Documents pertaining to Defendant's authorization to sign on behalf of Plaintiff company and sign new accounts are to be produced. Bullet points 1, 3, 4, and 5 are **DENIED**.

Request 2, bullet point 2 is **GRANTED**. Bullet point 1 is **DENIED**.

Request 3 is **DENIED** without prejudice, pending ruling from District Judge Marcia S. Krieger on the pending objection [106] to this Court's order [99] or the progression of the case to second phase discovery.

Request 7, bullet points 1 and 2 are **GRANTED** as to production of additional documents or certification that a search has been conducted and no additional documents were found.

Request 8 in its entirety is **DENIED**.

Request 9, bullet point 2 is **GRANTED**. Plaintiff ordered to produce all releases signed by employees in Plan. Bullet points 1, 3, 4, and 5 are **DENIED**.

Request 10 is **DENIED** without prejudice as premature (see Request 3 above).

Request 11 is **DENIED** without prejudice as premature (see Request 3 above).

It is ORDERED: Defendant will be allowed to submit one additional interrogatory as discussed. Interrogatory will be submitted on or before September 3, 2010.

It is ORDERED: Documents ordered to be produced in the context of these proceedings and the answer to the additional Defendant's interrogatory will be provided by Plaintiff to Defendant on or before October 4, 2010.

It is ORDERED: THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET.

DEADLINES:

Supplement to Plaintiff's Motion for Judgment on the Administrative Record:
October 22, 2010.

Defendant's Response to Plaintiff's Motion for Judgment on the Administrative Record:
November 22, 2010.
Reply Defendant's Response: December 22, 2010.

Discovery Cut-off for non-administrative claims, phase one: November 29, 2010.
Dispositive Motions Deadline for non-administrative claims, phase one:
January 5, 2011.
Disclosure of Rebuttal Experts for non-administrative claims, phase one:
October 29, 2010.

It is ORDERED: Settlement Conference set for Tuesday, September 7 at 1:30 p.m.
is **VACATED**. Settlement conference reset on Tuesday, January
11, 2011 at 9:00 a.m. for full day proceedings.

12:45 p.m.: Additional proceedings conducted **under seal**.

It is ORDERED: Request 7, bullet points 3, 4, and 5 are **DENIED**.

Court in Recess: 12:57 p.m.
Hearing concluded.
Total In-Court Time 02:46

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.