

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00081-REB-MJW

DAVID WAYNE HEIDTKE,

Plaintiff(s),

v.

CORRECTIONS CORPORATION OF AMERICA,
JERE G. SUTTON,
K. CARPENTER, and
ANNA JOLLY,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion to Compel Discovery from Defendants CCA, Jolly and Carpenter (docket no. 64) is DENIED for the following reasons.

It is FURTHER ORDERED that each party shall pay their own attorney fees and costs for the subject motion (docket no. 64).

This court has recently granted Defendant Sutton's Motion for Protective Order Pursuant to Fed. R. Civ. Pro. [sic] P. 26(c)(docket no.70). See docket no. 78. Plaintiff's theory of the case is that Defendant CCA denied Plaintiff medical care in order to cut costs; was understaffed; and, that the staff were under-trained and under-supervised while Defendant CCA made a profit. In particular, Plaintiff claims that Defendant Sutton was not sufficiently trained regarding ordering a lower bunk restriction and outside medical consults, and that Defendant CCA was negligent in hiring him because he was not competent. Defendant Sutton's personnel file is not supportive of this theory, noting that this court has previously reviewed, *in camera*, Dr. Sutton's personnel file. See docket no. 78.

Moreover, I find as to Plaintiff's Interrogatory No. 18 and Request for Production of Documents Nos. 20, 22, 23, 25, 26, and 27, the CCA Defendants (i.e. CCA, Carpenter and Jolly) have no further information and have fully responded. I also find as to Plaintiff's Interrogatory Nos. 21 and 22; Requests for Production of Documents

Nos. 28, 30 and 31; and, Request for Admission No. 2, the CCA Defendants have no further information and have fully responded.

Date: January 24, 2011
