

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

Civil Action No. 10-cv-000340-RPM-BNB

STEVEN MASONER, et al.,

Plaintiff,

v.

WELLS FARGO BANK NATIONAL ASSOCIATION,
THE BANK OF NEW YORK MELLON CORPORATION, and
JOHN DOES 1-20,

Defendants.

ORDER

This matter arises on the following:

(1) **Motion to Modify Order and for Issuance of Protective Order** [Doc. # 14, filed 5/17/2010] (the “Motion for Protective Order”) by non-party Waverton Group, LLC (“Waverton”); and

(2) **Motion to Modify Subpoena** [Doc. # 23, filed 6/4/2010] (the “Motion to Modify”) by Thomas A Seaman, Receiver over Medical Capital Corporation and related entities (the “Receiver”).

I held a hearing on the Motions this afternoon 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 Protective Order [Doc. # 14] and the Motion to Modify [Doc. # 23] are GRANTED IN PART and DENIED IN PART as follows:

- The parties shall submit on or before **June 11, 2010**, a proposed blanket protective order (or competing proposed orders if they cannot agree). Any proposed protective order must follow the guidelines announced in Gillard v. Boulder Valley School Dist. RE-2, 196 F.R.D. 382 (D. Colo. 2000);

- The Receiver shall Bates number all Phase I documents. On or before **June 18, 2010**, the Receiver shall deliver to Waverton all Phase I documents, indicating by a unique designation all documents which the Receiver claims to be Confidential. In addition, on or before **June 18, 2010**, the Receiver shall serve on the parties and on Waverton an index by Bates number of all documents delivered to Waverton and indicating those documents which the Receiver has designated as Confidential. Finally, if the Receiver withholds any Phase I document from production for any reason, the document shall be identified with reasonable specificity on a privilege log, specifying the basis for withholding the document from production, and shall serve the privilege log on the parties and Waverton on or before **June 18, 2010**;

- On or before **June 25, 2010**, Waverton shall produce to the parties all Phase I documents, indicating by a unique designation all documents which Waverton claims to be Confidential. If Waverton withholds any Phase I document from production for any reason, the document shall be identified with reasonable specificity on a privilege log, specifying the basis for withholding the document from production, and shall serve the privilege log on the parties on or before **June 25, 2010**; and

- Discovery concerning Phase II documents is STAYED pending further developments of the underlying case in the Central District of California.

Dated June 4, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge