

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

Civil Action No. 10-cv-02022-WYD-KMT

FTR - Courtroom C-201

Date: September 12, 2012

Deputy Clerk, Nick Richards

WYATT T. HANDY JR.,

Pro Se (by phone)

Plaintiff,

v.

CHIEF DIGGINS,
MAJOR V. CONNORS, and
CHAPLAIN SCOTT,

Thomas G. Bigler
Christopher Wayne Alber

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 10:38 a.m.

Court calls case. Appearances of counsel. Christopher Wayne Alber appears on behalf of the Interested Party, The Colorado Department of Corrections.

Motion Hearing is called on the Interested Party's Motion to Quash Subpoena Duces Tecum [Doc. No. 98, filed July 21, 2011], Plaintiff's Motion for Leave to Take Depositions Upon Written Questions of Sterritt Fuller or in the Alternative a Court Order Directing Sterritt Fuller to Answer the Written Questions in a Affidavit Under Penalty or Perjury [Doc. No. 105, filed July 25, 2011], and Plaintiff's Motion for Order Compelling Disclosures or Discovery for Failure to Disclose or Cooperate in Discovery [Doc. No. 114, filed July 29, 2011].

Plaintiff's Motion for Leave to File an Amended Complaint [Doc. No. 93, filed July 20, 2011] will not be heard at this hearing.

Oral argument from Mr. Alber.

Oral argument from Mr. Handy.

It is **ORDERED:** Motion to Quash Subpoena Duces Tecum [98] is **GRANTED IN PART.** The subpoenaed party, The Colorado Department of Corrections, shall disclose the documents as limited by the court

and discussed on the record to both plaintiff and defense counsel on or before October 3, 2011. The Colorado Department of Corrections will reserve the right to object or file any Motion to Quash Documents once the responsive documents have been identified.

Discussion of Motion for Leave to Take Written Deposition [105].

It is ORDERED: Motion for Leave to Take Written Deposition [105] is **DENIED** without prejudice for failure to comply with Fed. R. Civ. P. 31.

Oral argument from Mr. Handy.

Oral argument from Mr. Bigler.

It is ORDERED: Motion for Order Compelling Disclosures [114] is **TAKEN UNDER ADVISEMENT**.

The Motion is Denied as to Requests for Production Nos. 4, 5, and 6, however the court will hear further argument on the remaining discovery issues at the continuation hearing on September 16, 2011 at 1:00 p.m.

Court in Recess: 11:50 a.m.

Hearing to be continued.

Total In-Court Time 01:12

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