

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

**Civil Action No.** 10-cv-02201-LTB-KMT

FTR - Courtroom C-201

**Date:** June 20, 2012

Deputy Clerk, Nick Richards

MARVIN GREEN,  
  
Plaintiff,

John Edward Mosby  
Elisa Julie Moran

v.

PATRICK R. DONAHOE, Postmaster General,  
United States Postal Service,

Nathalie Erin Cohen

Defendant.

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**COURTROOM MINUTES / MINUTE ORDER**

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**MOTION HEARING**

**Court in session: 1:30 p.m.**

Court calls case. Appearances of counsel. Plaintiff Marvin Green present with counsel.

Motion Hearing called regarding Plaintiff's Motion to Compel Discovery [Doc. No. 41, filed April 18, 2012] and Plaintiff's Motion to Enforce Agreement of Counsel, Alternatively, Plaintiff's Second Motion to Compel Discovery and Request for Attorney's Fees [Doc. No. 47, filed May 7, 2012].

Oral argument from plaintiff's counsel.

Oral argument from defendant's counsel.

It is **ORDERED**: Plaintiff's Motion to Compel Discovery [41] is **GRANTED IN PART**. Defense counsel shall produce the disciplinary records, resolutions of disciplinary actions, and investigations that could be associated with potential disciplinary actions from occurring within the time period of January of 2005 to present of those employees who are EAS Level 18 and above, management employees, and any Postmaster at any level and who were demoted as a result of alleged misconduct.

Files and records include database entries, hard copy or electronic files, Ms. Charmaine Ehrenshaft's spread sheet, and any other documents that represent and/or compile data from any

investigations or disciplinary actions.

The files shall be produced by defense counsel on or before July 20, 2012.

Plaintiff has conceded he does not request the entire official personnel files of any employees who might otherwise fit the descriptions in Request for Production Nos. 8 and 9.

It is **ORDERED**: The current Discovery Cut-off of July 27, 2012, the Dispositive Motion deadline of August 30, 2012, and the Final Pretrial Conference set for September 25, 2012 at 9:30 a.m. are **VACATED** and reset to the following dates and times:

Discovery Cut-off: August 31, 2012  
Dispositive Motion Deadline: September 28, 2012  
Final Pretrial Conference: November 29, 2012 at 10:00 a.m.

It is **ORDERED**: Plaintiff's Motion to Enforce Agreement of Counsel, Alternatively, Plaintiff's Second Motion to Compel [47] is **DENIED** as discussed on the record. As to emails requested in Request for Production No. 7, the parties will confer on reasonable search terms pertaining to emails addressed either to or from Mr. Green from 2008-2009, and emails from the server of Defendants fitting the criteria will be produced subsequent to review for privilege.

Plaintiff is not required to use another request for production regarding emails relating to Mr. Green. Other matters requiring a more specifically directed request will require the use of additional Requests for Production of Documents.

It is **ORDERED**: Both parties are granted an additional 10 requests for production of documents for a total of 35 Requests for Production of Documents per side.

**Court in Recess: 2:34 p.m.**

Hearing concluded.

Total In-Court Time 01:04

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