

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02862-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

CAROL WARNER, in her individual capacity,
DAVID ROMERO, in his individual capacity,
JOE QUINTANA, in his individual capacity,
BILL RAILEY, in his individual capacity,
CHRIS WELDON, in his individual capacity,
BENJAMIN SCHROEDER, in his individual capacity,
GILBERTO LUCIO, in his individual capacity,
JAMES DIXON, in his individual capacity,
ADAM BARRETT, in his individual capacity,
JOEL SMITH, in his individual capacity,
JESSE REMBERT, in his individual capacity,
JAY LOPEZ, in his individual capacity,
MICHAEL O'NEILL, in his individual capacity,
CITY AND COUNTY OF DENVER, a political subdivision of the State of Colorado,
DARIN DESEL, Police Officer for the Denver Police Department, in his individual
capacity,
FRED MCKEE, Sheriff for the Delta Sheriff's Department, in his individual capacity,
PERRY SPEELMAN, Police Officer for the Denver Police Department, in his individual
capacity, and
JEFFREY WATTS, Investigator for the Second Judicial District, in his individual
capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the Delta Defendants' **Motion for Protective Order** [#672] (the "Motion"). Plaintiff filed a Response [#691] in opposition to the Motion, and the Delta Defendants filed a Reply [#709]. On March 5, 2015, a Status Conference was held in which additional discovery was permitted by the Court. See [#643]. A deadline

of June 6, 2015 was set for the completion of all discovery. Plaintiff mailed additional discovery requests to the Delta Defendants on May 15, 2015. See *Envelope* [#672-2] at 14. A party has thirty days to respond to written discovery requests after service, and service is effective the day the requests are mailed. See Fed. R. Civ. P. 5(b)(2)(C), 33(b)(2), 34(b)(2)(A), 36(a)(3). Thus, at the earliest, the Delta Defendants' responses to the written discovery were due on June 14, 2015. Plaintiff therefore did not serve his written discovery requests on the Delta Defendants in a timely manner, i.e., thirty days or more before the discovery deadline. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#672] is **GRANTED in part and DENIED in part**. The Motion is **granted** pursuant to Fed. R. Civ. P. 26(c), insofar as the Delta Defendants need not respond to Plaintiff Dean Carbajal's Second Set of Written Discovery Requests To The Delta Defendants [#672-2]. The Motion is **denied without prejudice** to the extent the Delta Defendants also seek expenses, including attorney fees, they have incurred in connection with the Motion. Any request for attorney fees shall first comply with D.C.COLO.LCivR 54.3.

Dated: July 20, 2015