

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02946-RBJ-MJW

BARBARA J. REMUND,

Plaintiff(s),

v.

SCHOOL DISTRICT NO. 14 IN THE COUNTY OF ADAMS & STATE OF COLORADO.
RAY MONDRAGON, in his individual capacity, and
WESLEY PAXTON, in his individual capacity,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants Adams County School District 14 and Wesley Paxton's Motion to Strike Plaintiff's First and Second Supplemental Disclosures Pursuant to Fed. R. Civ. P. 26(A)(1) [docket no. 105] is GRANTED.

This court incorporates by reference those paragraphs outlined under III. Relevant Procedural Background in the subject motion [docket no. 105] as findings by this court. See pages 2 and 3 in the subject motion [docket no. 105]. In addition, I find that the Final Pretrial Order was entered by this court on April 23, 2012. See docket no. 98. I further find that both the First and Second Supplemental Disclosures by Plaintiff were served upon the Defendants on February 8, 2012, and April 11, 2012, respectively, and both disclosures were served after the discovery cut-off date. Lastly, I find that the First and Second Supplemental Disclosures by Plaintiff are both untimely, and the Defendants would suffer severe prejudice if this court were to allow these very late disclosures. Accordingly the First and Second Supplemental Disclosures by Plaintiff should be stricken consistent with Smith v. Ford Motor Company, 626 F. 2d 784, 797 (10th Cir. 1980).

It is FURTHER ORDERED that Plaintiff's Motion for Leave to Restrict Access (docket no. 93) is GRANTED finding good cause shown and finding that Plaintiff has met her burden of proof under D.C.COLO.LCivR 7.2 B. Plaintiff's exhibits P4, P5, P6, P7, P7(J), P8, P12, P13, P14, and P15, attached to Plaintiff's Response (docket no. 91), contain confidential information which, if made public, would violate individuals' right to privacy and confidentiality. Any dissemination of this information [i.e., Plaintiff's exhibits P4, P5, P6, P7, P7(J), P8, P12, P13, P14, and P15, attached to Plaintiff's Response (docket no. 91)] to the public could cause serious embarrassment or other

injury to individuals, specifically in light of the fact that evaluations and other personnel information are protected by state law. Thus, I find no alternative but to restrict access at Level 1 on this information.

It is FURTHER ORDERED that Plaintiff's exhibits P4, P5, P6, P7, P7(J), P8, P12, P13, P14, and P15 attached to Plaintiff's Response (docket no. 91) to Defendants School District No. 14 and Wesley Paxton's Motion for Summary Judgment (docket no. 83) shall be restricted at Level I.

Date: May 03, 2012
