

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

Civil Action No. 10-cv-03177-REB-KMT

FTR - Courtroom C-201

Date: December 13, 2011

Deputy Clerk, Nick Richards

STEVE W. BLECK,

Jere Kyle Bachus

Plaintiff,

Maaren Linnea Johnson

v.

CITY OF ALAMOSA, COLORADO,
JOHN JACKSON, individually, and in his official
capacity as Chief of Police of the Alamosa Police
Department,
JEFF MARTINEZ, individually, and in his official
capacity as a Law Enforcement Officer of the
Alamosa Police Department,
B. COOPER, individually, and in his official
capacity as a Law Enforcement Officer of the
Alamosa Police Department,

Gordon Lamar Vaughan

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 10:54 a.m.

Court calls case. Appearances of counsel.

Motion Hearing is called regarding Defendants Motion to Compel [Doc. No. 75, filed November 18, 2011].

Discussion regarding Sealed Document [Doc. No. 74, filed November 18, 2011].

It is **ORDERED**: Plaintiff's counsel shall file a Motion to Restrict Access on or before December 14, 2011 with regards to Sealed Document [74]. Counsel shall file the motion no later than 12:00 p.m. The document will be held under restriction pending the filing of plaintiff's motion. Should counsel fail to file their motion, the document will be unrestricted.

Oral argument from defendant. The court receives the expert report and plaintiff's first supplemental Rule 26 disclosures referenced in arguments by defense counsel.

Oral argument from plaintiff.

The court notes plaintiff's statement that their claims pertaining to loss of earnings and loss of earnings capacity are no longer being pursued in this matter.

It is **ORDERED**: Defendants Motion to Compel [75] is **GRANTED IN PART AND DENIED IN PART**.

The motion is **GRANTED** as to Interrogatories No. 20, 21, and 23. Interrogatory Nos. 20, 21, and 23 shall be limited to a time frame of 10 years with the exception of orthopedic injuries relating to the lower half of plaintiff's body. Responses as to those orthopedic injuries will be required from Plaintiff's eighteenth birthday to the present.

Plaintiff's counsel shall confer with their client regarding the answer provided to Interrogatory No. 22.

Request for Production No. 10 is **DENIED** for reasons stated on the record.

It is **ORDERED**: Plaintiff's counsel is compelled to discontinue their current practice of redaction and to re-tender medical records already tendered to defense counsel in an un-redacted fashion, with the exception of Social Security number and insurance information.

Medical documentation relating to the last 10 years will be produced by plaintiff's counsel on or before December 16, 2011. Plaintiff's counsel will follow-up on document requests to Yavapai Regional Medical Center and San Luis Valley Regional Medical Center.

Defense counsel shall propound specifically directed requests for medical records releases on or before December 23, 2011, which shall be sequentially numbered. Plaintiff's counsel may respond to any proposed releases on or before January 9, 2012. Any documents received on the basis of a release signed under this order must be provided to plaintiff.

The court returns the expert report and plaintiff's first supplemental Rule 26 disclosures to defense counsel.

Defense counsel informs the court that Mr. Bachus has agreed on behalf of the plaintiff to enter a Stipulated Motion for Partial Dismissal as it relates to claims conceded in Defendants' Motion for Judgment on the Pleadings and for Summary Judgment [Doc. No. 38, filed August 15, 2011] which would eliminate defendant's John Jackson and B. Cooper in both their individual and official capacities.

Defense counsel notes he failed to include in the Motion for Judgment on the Pleadings and for Summary Judgment [38] an argument that the official capacity claim should be dismissed as to defendant Martinez. Defense counsel may stipulate further as to the dismissal of defendant Martinez in his official capacity, or file a supplement to their Motion for Summary Judgment adopting a prior argument as it relates to defendant Martinez.

Court in Recess: 12:37 p.m.

Hearing concluded.

Total In-Court Time 01:43

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