

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

Civil Action No. 11-cv-02755-WJM-KMT

FTR - Courtroom C-201

Date: August 7, 2012

Deputy Clerk, Nick Richards

JONATHAN REYES,

Skye K. Myers

Plaintiff,

v.

SNOWCAP CREAMERY, INC.,
EMILY ARNOLD, and
ROBERT ARNOLD,

Joel C. Maguire

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 1:30 p.m.

Court calls case. Appearances of counsel.

Motion Hearing called regarding Defendants' Motion to Compel Discovery [Doc. No. 21, filed June 25, 2012].

Oral argument from defendant.

Oral argument from plaintiff.

It is **ORDERED**: Defendants' Motion to Compel Discovery [21] is **GRANTED IN PART AND DENIED IN PART**.

The motion is **GRANTED IN PART AND DENIED IN PART** as to Request for Production No. 1. The motion is **DENIED** as to Request for Production 1, subpart a.

The motion is **GRANTED** as to Request for Production Nos. 1, subparts b and c. Attorney Emily Cohen, as a licensed attorney and an officer of this court, is **ORDERED** to produce a copy of the entire file pertaining to the immigration matter of plaintiff Jonathan Reyes to Mr. Reyes *in care of his attorney*, Skye K. Myers. Mr. Reyes has a right to the file and no otherwise privileged documents between

he and Ms. Cohen may be withheld, since that privilege belongs to Mr. Reyes. This court finds and hold, without objection from Defendants, that otherwise privileged documents produced pursuant to this Order, will not lose their privileged character by being received by Mr. Reyes' attorney, Skye K. Myers. Mr. Myers and Mr Reyes have a right to determine each document's relevancy, if any, as to this matter. The file must be sent to Mr. Reyes pursuant to this order, through Mr. Myers, without regard to whether any party or non-party asserts copies of the entire file have been produced in the past. **Ms. Cohen shall to produce the documents to Mr. Myers on or before August 24, 2012. Should Ms. Cohen wish to object to this order, Ms. Cohen must do so on or before August 14, 2012.** Ms. Cohen create a list identifying each document contained in the file and produced pursuant to this Order in a format similar to identification of documents in a privilege log. Upon production of the documents, Ms. Cohen shall file the list of the documents with the court as a Notice of Compliance with this Order. A copy of these minutes will be sent to Attorney Emily Cohen.

Any documents provided to Ms. Cohen by Mr. Reyes, whether or not contained in Ms. Cohen's files, must be produced by Mr. Reyes to the Defendants.

Request for Production No. 1, subparts d and e are **GRANTED** with respect to the time period from January of 2009 to present.

As to Request for Production Nos. 5 and 6, the motion is **DENIED**.

It is **ORDERED**: Discovery cut-off, for purposes of compliance with the issues discussed during this hearing **ONLY**, is extended to September 21, 2012. The dispositive motion deadline of August 26, 2012 and the Final Pretrial Conference currently set for September 20, 2012 at 10:00 a.m. in Courtroom C-201 before Magistrate Judge Kathleen M. Tafoya are **VACATED** and set to the following dates and times:

Dispositive Motion deadline: October 22, 2012
Final Pretrial Conference: December 18, 2012 at 9:45 a.m.

Court in Recess: 2:51 p.m.

Hearing concluded.

Total In-Court Time 01:21

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