

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE R. BROOKE JACKSON

Civil Action: 11-cv-02910-RBJ
Date: October 23, 2012

Court Reporter: Kara Spitler
Courtroom Deputy: Laura Galera

Parties:

MATTHEW DONACA,

Plaintiff,

v.

DISH NETWORK, L.L.C.,

Defendant.

Counsel:

John Barrett

Eric Zalud
Benjamin Kern

COURTROOM MINUTES

HEARING: TELEPHONIC DISCOVERY CONFERENCE

Court in session: 10:04 a.m.

Court calls case. Appearances of counsel.

Parties address the Court regarding the status of the Sixth Circuit case.

Discussion regarding staying the case or staying the resolution of Defendant Dish Network L.L.C.'s Motion for Partial Summary Judgment as to Plaintiff's Claims Under 47 U.S.C. § 227(b)(1)(B) [54].

Argument as to Defendant's Motion for Clarification and/or Partial Reconsideration of the Order Regarding Plaintiff's Oral Motion to Compel #[53] and Plaintiff's Second Motion to Compel Discovery #[65].

For the reasons stated on the record it is:

ORDERED: Defendant's Motion for Clarification and/or Partial Reconsideration of the Order

Regarding Plaintiff's Oral Motion to Compel #[53] is GRANTED.

ORDERED: Defendant Dish Network L.L.C.'s Motion for Partial Summary Judgment as to Plaintiff's Claims Under 47 U.S.C. § 227(b)(1)(B) [54] is DENIED. In the event the FCC or the Sixth Circuit construes the statute in a manner that favors the defendant's interpretation, the Court will permit the defendant to re-file the motion.

ORDERED: Defendant's Motion to Stay Discovery Relative to Plaintiff's Claims Made Under 47 U.S.C. § 227(b) Pending Ruling on Motion for Partial Summary Judgment #[61] is DENIED AS MOOT.

ORDERED: Plaintiff's Second Motion to Compel Discovery #[65] is GRANTED IN PART AND DENIED IN PART. With respect to Category A, the Court orders that any documents that are withheld from production on the grounds of attorney/client privilege or the protection of work product be disclosed on a privilege log. With respect to Category B, the motion is denied. With respect to Category C, the motion is denied. Documents with redactions and its original may be submitted to the Court in camera. The Court will review the documents to review what has been redacted and decide whether it was before January 1, 2005. With respect to Category D, the motion is granted. With respect to Categories E, F, G and H, the motion is denied as moot.

ORDERED: Defendant's Motion to Quash Subpoena Served Upon the United States Department of Justice #[67] is DENIED.

Counsel may not file any OPPOSED discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference call adding Judge Jackson as the last connection. The Court will hear arguments and attempt to mediate a resolution.

Hearing concluded.

Court in recess: 10:58 a.m.

Total time in court: 00:54